

SUBSTITUTE FOR
SENATE BILL NO. 418

A bill to amend 1982 PA 250, entitled
"Child abuse and neglect prevention act,"
by amending the title and sections 2, 3, 4, 9, 10, and 12 (MCL
722.602, 722.603, 722.604, 722.609, 722.610, and 722.612), section
2 as amended by 2018 PA 60 and section 4 as amended by 2005 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to establish the ~~state child abuse and neglect~~
3 ~~prevention~~ **children trust Michigan** board; to provide the powers and
4 duties of the ~~state child abuse and neglect prevention~~ **children**
5 **trust Michigan** board; and to prescribe the powers and duties of
6 certain state ~~departments~~ **and local governmental officers and**
7 **entities.**

1 Sec. 2. (1) As used in this act:

2 (a) "Child" means ~~a person~~ **an individual** under 18 years of
3 age.

4 (b) "Child abuse" means harm or threatened harm to a child's
5 health or welfare by a person responsible for the child's health or
6 welfare, which harm occurs or is threatened through nonaccidental
7 physical or mental injury; **or** sexual abuse, which includes a
8 violation of section 145c of the Michigan penal code, 1931 PA 328,
9 MCL 750.145c.

10 ~~(c) "Local council" means an organization that meets the~~
11 ~~criteria described in section 10(a).~~

12 **(c)** ~~(d)~~ "Neglect" means harm to a child's health or welfare by
13 a person responsible for the child's health or welfare that occurs
14 through negligent treatment, including the failure to provide
15 adequate food, clothing, shelter, or medical care, though
16 financially able to do so, or the failure to seek financial or
17 other reasonable means to provide adequate food, clothing, shelter,
18 or medical care.

19 ~~(e) "State board" means the state child abuse and neglect~~
20 ~~prevention board created in section 3.~~

21 **(d) "Prevention partner" means an organization that meets the**
22 **criteria described in section 10(a).**

23 **(e)** ~~(f)~~ "Prevention program" means a system of direct
24 provision of child abuse and neglect prevention services to a
25 child, parent, or guardian, and may include research programs
26 related to prevention of child abuse and neglect.

27 **(f) "State board" means the children trust Michigan board**
28 **created in section 3.**

29 (g) "Trust fund" means the children's trust fund established

1 in the department of treasury.

2 Sec. 3. (1) The ~~state child abuse and neglect prevention~~
3 **children trust Michigan** board is created as an autonomous agency
4 within the department of ~~management and budget.~~ **health and human**
5 **services.** The state board shall exercise its powers and duties
6 independently of the director of the department of ~~management and~~
7 ~~budget~~ **health and human services** except that budget, procurement,
8 and related management functions ~~shall~~ **must** be performed by the
9 director of the department of ~~management and budget.~~ **health and**
10 **human services.**

11 (2) The state board shall appoint the executive director of
12 the state board. The executive director shall be a member of the
13 state classified civil service.

14 (3) **The state board may partner with a fundraising entity**
15 **including, but not limited to, a nonprofit organization that is**
16 **tax-exempt under section 501(c)(3) of the internal revenue code of**
17 **1986, 26 USC 501, in accordance with state and federal requirements**
18 **to ensure that the board deliver on its mission to fundraise and**
19 **maximize the prevention of child abuse and neglect.**

20 (4) ~~(3)~~ The executive director shall hire all staff required
21 to exercise the powers and carry out the duties of the state board.
22 The state board shall approve the number of staff members hired and
23 their job descriptions.

24 Sec. 4. (1) The state board shall be composed of the following
25 members:

26 (a) The director of **the department of health and human**
27 **services,** the director of ~~community health,~~ **the children's services**
28 **administration,** the superintendent of public instruction, and the
29 director of the department of state police, or designees authorized

1 to speak on their behalf.

2 (b) Eleven public members appointed by the governor with the
3 advice and consent of the senate. As a group, the public members
4 shall do all of the following:

5 (i) Demonstrate knowledge in the area of child abuse and
6 neglect prevention.

7 (ii) Be representative of the demographic composition of this
8 state.

9 (iii) To the extent practicable, be representative of all of the
10 following categories: ~~parents, organized~~

11 **(A) Parents.**

12 **(B) Organized labor.** ~~labor, the~~

13 **(C) The business community.** ~~, the~~

14 **(D) The religious community.** ~~, the~~

15 **(E) The legal community.** ~~, professional~~

16 **(F) Professional** providers of child abuse and neglect
17 prevention services. ~~, and volunteers~~

18 **(G) Volunteers** in child abuse and neglect prevention services.

19 (2) The term of each public member ~~shall be~~ **is** 3 years, except
20 that of the public members first appointed, 3 shall serve for 3
21 years, 3 for 2 years, and 4 for 1 year. A public member shall not
22 serve more than 2 consecutive terms whether partial or full. A
23 vacancy ~~shall~~ **must** be filled for the balance of the unexpired term
24 in the same manner as the original appointment.

25 (3) The governor shall designate a chairperson of the state
26 board from among the public members. The chairperson shall serve in
27 that position at the pleasure of the governor. The state board may
28 elect other officers and committees as it considers appropriate.

29 (4) The actual and necessary per diem compensation and the

1 schedule for reimbursement of expenses for the public members of
 2 the state board ~~shall be~~ **is** the same as is established annually by
 3 the legislature for similar boards that are reimbursed from the
 4 general fund. The compensation and reimbursement, executive
 5 director and staff salaries, and all actual and necessary operating
 6 expenses of the state board ~~shall~~ **must** be paid from the trust fund,
 7 according to an authorization as provided in section 9.

8 Sec. 9. (1) The state board may authorize the disbursement of
 9 available money from the trust fund, upon legislative
 10 appropriations, for exclusively the following purposes ~~, which that~~
 11 are listed in the order of preference for expenditure:

12 (a) To fund a private nonprofit or public organization in the
 13 development or operation of a prevention program if at least all of
 14 the following conditions are met:

15 ~~(i) The appropriate local council has reviewed and approved the~~
 16 ~~program. This subparagraph does not apply if a local council does~~
 17 ~~not exist for the geographic area to be served by the program.~~

18 **(i)** ~~(ii)~~ The organization demonstrates an ability to match,
 19 through money or in-kind services, 50% of the amount of any trust
 20 fund money received. The amount and types of in-kind services are
 21 subject to the approval of the state board.

22 **(ii)** ~~(iii)~~ The organization demonstrates a willingness and
 23 ability to provide program models and consultation to organizations
 24 and communities regarding program development and maintenance.

25 **(iii)** ~~(iv)~~ Other conditions that the state board may ~~deem~~
 26 **consider** appropriate.

27 (b) To fund ~~local councils~~ **prevention partners**.

28 (c) To fund the state board ~~created in section 3~~ for the
 29 actual and necessary operating expenses that the **state** board incurs

1 in performing its duties.

2 (2) Authorizations for disbursement of trust fund money under
3 subsection (1)(c) ~~shall~~**must** be kept at a minimum in furtherance of
4 the primary purpose of the trust fund, which is to disburse money
5 under subsection (1)(a) and (b) to encourage the direct provision
6 of services to prevent child abuse and neglect.

7 Sec. 10. **(1)** In making grants to a ~~local council,~~**prevention**
8 **partner**, the state board shall consider the degree to which the
9 ~~local council~~**prevention partner** meets the following criteria:

10 (a) Has as its primary purpose the development and
11 facilitation of a collaborative community prevention program in a
12 specific geographical area. The prevention program ~~shall~~**must**
13 utilize trained volunteers and existing community resources
14 wherever practicable.

15 (b) Is administered by a board of directors composed of an
16 equal number of members from the following 2 groups:

17 (i) A representative from each of the following local agencies,
18 **as far as practicable: the**

19 **(A) The** county department of social services, the department
20 of ~~public health, the department of mental health, the~~**health and**
21 **human services.**

22 **(B) The** probate court. ~~the~~

23 **(C) The** office of the prosecuting attorney. ~~a~~

24 **(D) A** local law enforcement agency. ~~a~~

25 **(E) A** school district. ~~and a~~

26 **(F) A** number of private, local agencies that provide treatment
27 or prevention services for abused and neglected children and their
28 parents or guardians. ~~The number of private agencies to be~~
29 ~~represented on the local council shall be designated in the bylaws~~

~~of the local council by the remaining members.~~

(ii) Members of the ~~local council~~ **prevention partner** elected by the membership. The elected members shall represent the demographic composition of the community served **and parent representation**, as far as practicable.

(c) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

(d) Demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance.

(e) Demonstrates an ability to match ~~, through money or in-kind services,~~ 50% of the amount of any trust fund money received. The amount and types of in-kind services are subject to the approval of the state board.

(f) Other criteria that the state board ~~deems~~ **considers** appropriate.

(2) The number of private agencies to be represented on the prevention partner must be designated in the bylaws of the prevention partner by the remaining members.

Sec. 12. A thorough, written review of the functions, responsibilities, and performance of the state board ~~shall~~ **must** be completed by the auditor general each 3 years after ~~the effective date of this act.~~ **September 29, 1982.** The **written** review ~~shall~~ **prepared under this section must** be transmitted and notice given in the same manner as provided in section 6(1)(b).