

**SUBSTITUTE FOR  
SENATE BILL NO. 728**

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 2 (MCL 722.622), as amended by 2022 PA 67.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. As used in this act:

2           (a) "Adult foster care location authorized to care for a  
3 child" means an adult foster care family home or adult foster care  
4 small group home as defined in section 3 of the adult foster care  
5 facility licensing act, 1979 PA 218, MCL 400.703, in which a child  
6 is placed in accordance with section 5 of 1973 PA 116, MCL 722.115.

7           (b) "Attorney" means, if appointed to represent a child under  
8 the provisions referenced in section 10, an attorney serving as the  
9 child's legal advocate in the manner defined and described in



1 section 13a of chapter XIIIA of the probate code of 1939, 1939 PA  
2 288, MCL 712A.13a.

3 (c) "Central registry" means a repository of names of  
4 individuals who are identified as perpetrators related to a central  
5 registry case in the department's statewide electronic case  
6 management system.

7 (d) "Central registry case" means the department confirmed  
8 that a person responsible for the child's health or welfare  
9 committed serious abuse or neglect, sexual abuse, or sexual  
10 exploitation of a child, or allowed a child to be exposed to or  
11 have contact with methamphetamine production.

12 (e) "Centralized intake" means the department's statewide  
13 centralized processing center for reports of suspected child abuse  
14 and child neglect.

15 (f) "Child" means an individual under 18 years of age.

16 (g) "Child abuse" means harm or threatened harm to a child's  
17 health or welfare that occurs through nonaccidental physical or  
18 mental injury, sexual abuse, sexual exploitation, or maltreatment,  
19 by a parent, a legal guardian, any other person responsible for the  
20 child's health or welfare, a teacher, a teacher's aide, a member of  
21 the clergy, or an individual 18 years of age or older who is  
22 involved with a youth program.

23 (h) "Child care organization" means that term as defined in  
24 section 1 of 1973 PA 116, MCL 722.111.

25 (i) "Child care provider" means an owner, operator, employee,  
26 or volunteer of a child care organization or of an adult foster  
27 care location authorized to care for a child.

28 (j) "Child care regulatory agency" means the department of  
29 licensing and regulatory affairs, the department's division of



1 child welfare licensing, or a successor state department that is  
2 responsible for the licensing or registration of child care  
3 organizations or the licensing of adult foster care locations  
4 authorized to care for a child.

5 (k) "Child neglect" means harm or threatened harm to a child's  
6 health or welfare by a parent, legal guardian, or any other person  
7 responsible for the child's health or welfare that occurs through  
8 either of the following:

9 (i) Negligent treatment, including the failure to provide  
10 adequate food, clothing, shelter, or medical care, though  
11 financially able to do so, or by the failure to seek financial or  
12 other reasonable means to provide adequate food, clothing, shelter,  
13 or medical care.

14 (ii) Placing a child at an unreasonable risk to the child's  
15 health or welfare by failure of the parent, legal guardian, or  
16 other person responsible for the child's health or welfare to  
17 intervene to eliminate that risk when that person is able to do so  
18 and has, or should have, knowledge of the risk.

19 (l) "Children's advocacy center" means an entity accredited as  
20 a child advocacy center by the National Children's Alliance or its  
21 successor agency or an entity granted associate or developing  
22 membership status by the National Children's Alliance or its  
23 successor agency.

24 (m) "Citizen review panel" means a panel established as  
25 required by section 5106a of the child abuse prevention and  
26 treatment act, 42 USC 5106a.

27 (n) "Confirmed case" means the department has determined, by a  
28 preponderance of evidence, that child abuse or child neglect  
29 occurred by a person responsible for the child's health, welfare,



1 or care.

2 (o) "Confirmed case of methamphetamine production" means a  
3 confirmed case that involved a child's exposure or contact with  
4 methamphetamine production.

5 (p) "Confirmed serious abuse or neglect" means a confirmed  
6 case of mental injury or physical injury or neglect to a child that  
7 involves any of the following:

8 (i) Battering, torture, or other serious physical harm.

9 (ii) Loss or serious impairment of an organ or limb.

10 (iii) Life-threatening injury.

11 (iv) Murder or attempted murder.

12 (v) Serious mental harm.

13 (q) "Confirmed sexual abuse" means a confirmed case that  
14 involves sexual penetration, sexual contact, attempted sexual  
15 penetration, or assault with intent to penetrate as those terms are  
16 defined in section 520a of the Michigan penal code, 1931 PA 328,  
17 MCL 750.520a.

18 (r) "Confirmed sexual exploitation" means a confirmed case  
19 that involves allowing, permitting, or encouraging a child to  
20 engage in prostitution, or allowing, permitting, encouraging, or  
21 engaging in the photographing, filming, or depicting of a child  
22 engaged in a listed sexual act as that term is defined in section  
23 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

24 (s) "Controlled substance" means that term as defined in  
25 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

26 (t) "Department" means the department of health and human  
27 services.

28 (u) "Director" means the director of the department.

29 (v) "Electronic case management system" means the child



1 protective service information system, that is an internal data  
2 system maintained within and by the department.

3 (w) "Expunge" means to physically remove or eliminate and  
4 destroy a record or report.

5 (x) "Lawyer-guardian ad litem" means an attorney appointed  
6 under section 10 who has the powers and duties referenced by  
7 section 10.

8 (y) "Local office file" means the system used to keep a record  
9 of a written report, document, or photograph filed with and  
10 maintained by a county or a regionally based office of the  
11 department.

12 (z) "Member of the clergy" means a priest, minister, rabbi,  
13 Christian ~~science~~ **Science** practitioner, spiritual leader, or other  
14 religious practitioner, or similar functionary of a church, temple,  
15 spiritual community, or recognized religious body, denomination, or  
16 organization.

17 (aa) "Nonparent adult" means a person who is 18 years of age  
18 or older and who, regardless of the person's domicile, meets all of  
19 the following criteria in relation to a child:

20 (i) Has substantial and regular contact with the child.

21 (ii) Has a close personal relationship with the child's parent  
22 or with a person responsible for the child's health or welfare.

23 (iii) Is not the child's parent or a person otherwise related to  
24 the child by blood or affinity to the third degree.

25 (bb) "Online reporting system" means the electronic system  
26 established by the department for individuals identified in section  
27 3(1) to report suspected child abuse or child neglect.

28 (cc) "Person responsible for the child's health or welfare"  
29 means a parent, legal guardian, individual 18 years of age or older



1 who resides for any length of time in the same home in which the  
 2 child resides, or, except when used in section 7(1)(e) or 8(8),  
 3 nonparent adult; or an owner, operator, volunteer, or employee of 1  
 4 or more of the following:

5 (i) A licensed or registered child care organization.

6 (ii) A licensed or unlicensed adult foster care family home or  
 7 adult foster care small group home as defined in section 3 of the  
 8 adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

9 (iii) A court-operated facility as approved under section 14 of  
 10 the social welfare act, 1939 PA 280, MCL 400.14.

11 (iv) **A camp as that term is defined in section 2 of the camp**  
 12 **licensing act.**

13 (dd) "Relevant evidence" means evidence having a tendency to  
 14 make the existence of a fact that is at issue more probable than it  
 15 would be without the evidence.

16 (ee) "Serious mental harm" and "serious physical harm" mean  
 17 those terms as defined in section 136b of the Michigan penal code,  
 18 1931 PA 328, MCL 750.136b.

19 (ff) "Specified information" means information in a children's  
 20 protective services case record related specifically to the  
 21 department's actions in responding to a complaint of child abuse or  
 22 child neglect. Specified information does not include any of the  
 23 following:

24 (i) Except as provided in this subparagraph regarding a  
 25 perpetrator of child abuse or child neglect, personal  
 26 identification information for any individual identified in a child  
 27 protective services record. The exclusion of personal  
 28 identification information as specified information prescribed by  
 29 this subparagraph does not include personal identification



1 information identifying an individual alleged to have perpetrated  
2 child abuse or child neglect, which allegation has been classified  
3 as a central registry case.

4 (ii) Information in a police agency report or other law  
5 enforcement agency report as provided in section 7(3).

6 (iii) Any other information that is specifically designated as  
7 confidential under other law.

8 (iv) Any information not related to the department's actions in  
9 responding to a report of child abuse or child neglect.

10 (gg) "Structured decision-making tool" means the department  
11 document labeled "DSS-4752 (P3) (3-95)" or a revision of that  
12 document that better measures the risk of future harm to a child.

13 (hh) "Substantiated" means a confirmed case.

14 (ii) "Unsubstantiated" means a case that is not confirmed.

15 Enacting section 1. This amendatory act takes effect September  
16 1, 2025.

17 Enacting section 2. This amendatory act does not take effect  
18 unless Senate Bill No. 692 of the 102nd Legislature is enacted into  
19 law.

