

**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 XIIA 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.