

Mandatory Reporting Requirements: Children Michigan

Last Updated: April 2023

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Physician, dentist, physician’s assistant, registered dental hygienist, medical examiner, nurse, licensed emergency medical care provider; • Audiologist, psychologist, physical therapist, physical therapist assistant, occupational therapist, athletic trainer, marriage and family therapist, licensed professional counselor, social worker, licensed master’s social worker, licensed bachelor’s social worker; • Registered social service technician, social service technician; • Person employed in a professional capacity in any office of the friend of the court; • School administrator, school counselor, teacher; • Law enforcement officer; • Member of the clergy; • Child care provider who is regulated by the state of Michigan; • Any employee of an organization or entity that, as a result of federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a state mandate or court order; and • The following staff members/employees of the Michigan Department of Health and Human Services (DHHS): <ul style="list-style-type: none"> • eligibility specialist; • family independence manager; • family independence specialist; • social services specialist; • social work specialist; • social work specialist manager; and • welfare services specialist.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Reasonable cause to suspect child abuse or child neglect. • Also, knowledge, or from the child’s symptoms reasonable cause to suspect, that a newborn infant has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his or her body. <u>Note</u> that the report is not required in such case if the person knows that the alcohol, controlled substance, or metabolite, or the child’s symptoms, are the result of medical treatment administered to the newborn infant or his or her mother. <p>Notwithstanding the foregoing, Michigan recognizes two exceptions to mandatory reporting for the following legally recognized privileged communications: privileged communications between an attorney and client or made to a clergy member in his or her professional character in a confession or similarly confidential communication; however, this does not relieve a member of clergy from reporting suspected child abuse or</p>

child neglect if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed in the “Who is required to report?” section above.

Where does it go?

- Oral reports must be made by telephone to Centralized Intake, Children’s Protective Services (CPS) at the Department of Health & Human Services (DHHS) at 855-444-3911, or, if available, through online reporting system. See https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119_50648_7193---,00.html.
- Written reports should be faxed to 616-977-8900 (-8050, -1158, or -1154), e-mailed to MDHHS-CPS-CIGroup@michigan.gov, or mailed to: Michigan Department of Health & Human Services, Centralized Intake for Abuse & Neglect, 5321 28th St. Court SE, Grand Rapids, MI 49546.
- Mandatory reporters may file reports online at https://newmibridges.michigan.gov/s/isd-partnershiplanding?language=en_US. Instructions for online reports are available at https://www.michigan.gov/documents/mdhhs/Michigan_Online_Reporting_System_User_Guide_646790_7.pdf.
- Form DHS-3200 for written reporting is available at: https://www.michigan.gov/documents/mdhhs/DHS-3200_524482_7.dot or in the Mandated Reporters’ Resource Guide referenced above.
- If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written or electronic report available to the person in charge. This does not replace the requirement for the staff member to report to CPS/DHHS.

What definitions are important to know?

- **“Child”** means a person under the age of 18.
- **“Child abuse”** means harm or threatened harm to a child’s health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.
 - The statute was amended in the midst of the case of *People v. Beardsley* to clarify that such abuse must be committed by one of the enumerated persons listed above (i.e., by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy)—not just any person—in order to be a mandatory reportable incident. *People v. Beardsley*, 263 Mich. App. 408, 416 n.3 (Mich. App. 2004); *see also Doe v. Doe (On Rem)*, 289 Mich. App. 211 (Mich. App. 2010), appeal denied, 488 Mich. 995 (Mich. 2010).
- **“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: (i) negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care; or (ii) 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.

<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Reporters must make an immediate oral report by telephone, or, if available, through the online reporting system, followed within 72 hours by a written report. • If the immediate report has been made using the online reporting system and that report includes the information required in a written report, that report is considered a written report and no additional written report is required.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Oral reports should include as much detail as possible about the following information as set out in the Guide to Detailed Reporting, available at https://www.michigan.gov/documents/mdhhs/MR_Guide_to_Detailed_Reporting.3.14.19_653727_7.pdf: <ul style="list-style-type: none"> • The child's primary caretaker, including name and address; • Names and identifying information for all household members, including the alleged victim and perpetrator, if known; • Birth date and race of all members of the household, if known; • Whether the alleged perpetrator lives with or has current access to the child; • Address where the alleged abuse or neglect occurred; • Statements of the child's disclosure and context of the disclosure; • History of the child's behavior; and • Reasons for suspecting that the child is being or has been abused or neglected. • Written or online reports must include: <ul style="list-style-type: none"> • The name of the child and a description of the child abuse or child neglect; • If possible, the names and addresses of the child's parents, guardian, the persons with whom the child resides; • If possible, the child's age; and • Other information available to the reporting person that might establish the cause of the child abuse or child neglect and the manner in which it occurred. • The form for the written report can be accessed at: https://www.michigan.gov/documents/mdhhs/DHS-3200_524482_7.dot or in the Mandated Reporters' Resource Guide referenced above.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • The pregnancy of a child less than 12 years of age or the presence of a sexually transmitted infection in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse or neglect have occurred. • If a mandatory reporter fails to report child abuse or neglect, that person is civilly liable for the damages proximately caused by the failure; if the mandatory reporter knowingly fails to report, that person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$500. • Except for records available [pursuant to]: <ul style="list-style-type: none"> • A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or child neglect or a legally mandated public or private child protective agency or foster care agency prosecuting a disciplinary action against its own employee involving child protective services or foster records; • A police agency or other law enforcement agency investigating a report of known or suspected child

- abuse or child neglect; or
- The children's ombudsman appointed under the Children's Ombudsman Act,

the identity of a reporting person is confidential subject to disclosure only with the consent of that person or by judicial process.

- A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement of this act is immune from civil or criminal liability that might otherwise be incurred by that action. A person making a report or assisting in any other requirement of this act is presumed to have acted in good faith. This immunity from civil or criminal liability extends only to acts done according to this act and does not extend to a negligent act that causes personal injury or death or to the malpractice of a physician that results in personal injury or death.
- A person who intentionally makes a false report of child abuse or neglect under this act knowing that the report is false is guilty of a crime as follows: (a) If the child abuse or neglect reported would not constitute a crime or would constitute a misdemeanor if the report were true, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$100.00; (b) If the child abuse or neglect reported would constitute a felony if the report were true, the person is guilty of a felony punishable by the lesser of the following: (i) The penalty for the child abuse or neglect falsely reported; (ii) Imprisonment for not more than 4 years and/or a fine of not more than \$2,000.00.
- In addition to those persons required to report child abuse or neglect, any person, including a child, who has reasonable cause to suspect child abuse or neglect may report the matter to the DHHS or a law enforcement agency.

Statutory
citation(s):

Mich. Comp. Laws §§ 722.622, 722.623, 722.623a, 722.624, 722.625, 722.627, 722.631, 722.633.