

Summary – Michigan Child Protection Law

Since 1975, the Michigan Child Protection Law (MCL 722.621-638, the "Act," available at michigan.gov/fia, select Legal & Policy/Laws) has required members of certain professions (e.g., physicians, nurses, psychologists, counselors, social workers, teachers and school administrators) to immediately report to the Michigan Family Independence Agency ("FIA") suspected child abuse or neglect. Effective March 1, 2003, clergy (i.e., priests, deacons, religious) are also required to immediately report to the FIA suspected child abuse or neglect. This is a summary of the material provisions of the reporting requirements under the Act:

1. "Clergy" is defined as a "priest, minister, rabbi, Christian Science practitioner, or other religious practitioner, or similar functionary of a church, temple, or recognized religious body, denomination, or organization."
2. "Child" is a person under 18 years of age.
3. "Child abuse" is defined as harm or threatened harm to a child's health or welfare by a parent, legal guardian, teacher, teacher's aide, clergy, or any other person responsible for the child's health or welfare through non-accidental (i) physical or mental injury; (ii) sexual abuse; (iii) sexual exploitation; or (iv) maltreatment. "Child neglect" is defined as failure to provide adequate food, clothing, shelter or medical care.
4. The reporting obligation applies even if the abuse victim is over age 18 at the time of disclosure of the abuse for the reason that there may be a current risk of abuse to other children.
5. Persons required to report under the Act who have "reasonable cause" to suspect child abuse or neglect must make an immediate oral report to the FIA. This oral report must be made to the FIA office in the county where the child resides. Included herein are the addresses, telephone and facsimile numbers for the FIA offices in Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph and Branch counties.
6. Within 72 hours after making the initial oral report, the reporting person must also file a written report with the FIA. This report must contain the name of the child and a description of the suspected abuse or neglect. If available, the report should also contain (i) the child's age; (ii) name and address of the child's parents, guardian and/or persons with whom the child resides; and (iii) any other information available to the reporting person identifying the cause of the suspected abuse or neglect and the manner in which the abuse or neglect occurred. (The form for the required written report can be downloaded from michigan.gov/fia, select Doing Business With the FIA/Forms.) The written report must be mailed to the FIA office in the county where the child resides and a copy of the written report should also be faxed and mailed to the Policy Delegate for the Bishop, 215 N. Westnedge Ave, Kalamazoo, Michigan, 49007, Facsimile (269) 349-6440;
7. Failure to report suspected child abuse or neglect as required by the Act is a criminal misdemeanor "punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both," and could also subject the person who has failed to report and the Diocese of Kalamazoo significant civil liability for money damages.

8. There is a narrow exception to mandatory reporting by clergy of suspected child abuse or neglect. A clergy member is not required to report suspected child abuse or neglect only if such information has been obtained through a communication "made to a member of the clergy in his or her professional character in a confession or similarly confidential communication.