



## New Health Insurance Marketplace Coverage Options and Your Health Coverage

### **PART A: General Information**

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer.

#### **What is the Health Insurance Marketplace?**

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

#### **Can I Save Money on my Health Insurance Premiums in the Marketplace?**

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

#### **Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?**

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.<sup>1</sup>

**Note:** If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution -as well as your employee contribution to employer-offered coverage- is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

#### **How Can I Get More Information?**

For more information about your coverage offered by your employer, please check your summary plan description or contact the Benefits Coordinator at [sdare@bloomfield.org](mailto:sdare@bloomfield.org) or 248-341-5431

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit [HealthCare.gov](http://HealthCare.gov) for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

### **PART B: Information About Health Coverage Offered by Your Employer**

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

Bloomfield Hills School District	(EIN): 38-6003046
7273 Wing Lake Road	248-341-5431
Bloomfield Hills	MI 48301

Who can we contact at this job? Sarah Dare or Karen Healy	
Phone number: 248-341-5431 or 248-341-5432	Email address: <a href="mailto:sdare@bloomfield.org">sdare@bloomfield.org</a> or <a href="mailto:khealy@bloomfield.org">khealy@bloomfield.org</a>

Here is some basic information about health coverage offered by this employer:

- As your employer, we offer a health plan to: Teachers, Administrators, Interpreters, Interveners, Clerical, Program Aides, Bus Aides, Instructional Assistants, ParaEducators, Job Coaches, AFSCME, and Technicians.
- We also offer coverage to eligible dependents. Eligible dependents are an employee's son, daughter, stepson, stepdaughter, adopted child, child placed for adoption or foster child, up to their 26<sup>th</sup> birthday
- We offer a medical plan that meets the minimum value standard, and the cost of this coverage is intended to be affordable, based on employee wages.

\*\* Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount

If you decide to shop for coverage in the Marketplace, HealthCare.gov will guide you through the process.

## Government announces delays

On July 2, 2013, the federal government announced that there will be a one-year delay in requiring employer groups with 50 or more full-time equivalents to provide health coverage to their employees or receive a penalty.

Further, the IRS is making the coverage reporting requirements that apply to any provider of minimum essential coverage and that apply to applicable large employers voluntary in 2014 with intent to make them mandatory in 2015. The remaining ACA provisions are still applicable to coverage that is offered.

<sup>1</sup>An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

## **Electronic Information Access and Use Policy**

A major goal of the Bloomfield Hills School District is to prepare today's students and staff for life in the 21<sup>st</sup> century and to insure a technologically literate citizenry and a globally competitive work force. It is the policy of the district's Board of Education to provide students, staff, volunteers and other authorized users access to the district's technology resources, including its computers and network resources, in a manner that encourages responsible use.

The District encourages and strongly promotes the use of electronic information technologies in educational endeavors. The District provides access to information resources in a variety of electronic formats and for the development of information management skills, including the skill of discerning the validity and value of such information. Together, these allow learners to access current and relevant resources, provide the opportunity to communicate in a technologically rich environment, and assist them to become responsible, self-directed, life-long learners.

The District, however, expects the staff and students to conform to ethical and legal standards in the use of technology and to demonstrate knowledge and responsibility in the use of resources, processes and systems of technology. All users of Bloomfield Hills Schools technology will comply with the terms of Regulation 6710.1 which governs the use of such technology.

It is also the policy of the Board to comply with the Children's Internet Protection Act (CIPA). As required by CIPA, the Board directs the district's administration to monitor minors' online activities and use technology protection measures to block adult and minors' access to visual depictions that are obscene, that constitute child pornography or that are "harmful to minors" when using district computers with Internet access. The term "harmful to minors" means any picture, image, graphic image file or other visual depiction that (1) taken as whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; (2) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (3) taken as a whole, lacks serious literary, artistic, political or scientific value as to minors. The technology protection measures may be disabled by an authorized staff member, during adult use, to enable access to bona fide research or for other lawful purposes. Furthermore, the district will:

1. Educate minors about appropriate online behavior, including interacting with other people on social networking websites and in chat rooms and cyberbullying awareness and response.
2. Restrict minors' access to materials that are inappropriate for minors.
3. Prohibit unauthorized access, including so-called "hacking," and other unlawful activities by minors online.
4. Prohibit the unauthorized disclosure, use and dissemination or personal identification information regarding minors.
5. Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

Approved 3/4/97

Revised & Adopted: 6/21/12

## Electronic Information Access and Use Regulation

All users of Bloomfield Hills Schools technology will comply with the terms of this regulation governing the use of such technology.

### Users

All account holders on the District network are users and will be granted access to all network services upon receipt by the system administrator of acknowledgment of the policies set forth in this Electronic Information Access and Use Policy in the attached form. The following people may hold accounts on the District network:

- a. *Students.* Students who are currently enrolled in the District may be assigned a network account upon agreement to the terms of this Electronic Information Access and Use Policy.
- b. *Faculty and Staff.* Current employees of the District may be assigned a network account upon agreement to the terms of the Electronic Information Access and Use Policy.
- c. *Others.* Anyone may request assignment of a special account on the District network. These requests will be considered on a case-by-case basis, which will take into account need and resource availability.

### District Rights and Responsibilities

The District is responsible for the management of the structure, hardware and software<sup>1</sup> used by the District to allow access to information technologies for educational purposes. These include:

- a. Assigning and removing user accounts.
- b. Maintaining and repairing District equipment.<sup>2</sup>
- c. Selecting software for the network.

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<sup>1</sup> Software@ means computer programs in any form and related print and non-print resources.

<sup>2</sup> District equipment includes, but is not limited to, computers, disk drives, printers, scanners, networks, Internet sites, software, video and audio recorders, cameras, photocopiers and facsimile machines, phones and e-mail accounts and related electronic resources.

- d. Establishing this Electronic Information Access and Use Policy.
- e. Providing resources to support the District's goals, and
- f. Providing training opportunities for use and application of information technologies, including training and information on new technologies, software and media as they are acquired and put into use in the District.

The District has the right to review and edit all publicly posted material and may remove any content that it finds to be objectionable or not in support of the District's goals. Nevertheless, because the District cannot comprehensively monitor the content of the equipment, the District is not responsible for unauthorized actions or resources.

The District does not warrant that the equipment meets any specific requirements or that it will be error free. The District hereby disclaims liability for any direct, indirect, incidental or consequential damages, including lost data, information, or time, sustained or incurred in connection with the use operation, or inability to use the equipment. The District shall have no liability for any cause or action or other claim arising from the use of the equipment, whether from authorized or unauthorized uses.

### **Rights of Users**

The use of the District equipment is a privilege which may be revoked by the District pursuant to this Electronic Information Access and Use Policy.

Users have the right:

- a. To use authorized equipment for which they have received training to facilitate learning and to enhance educational information exchange, and
- b. To use the authorized equipment to access information from outside resources that facilitates learning and enhances educational information exchange.

Users have the conditional right to subscribe to Internet listservs and news groups that facilitate learning and enhance educational information.

### **Responsibilities of Users**

Users are responsible for:

- a. Using the equipment only for facilitating learning and enhancing educational information exchange consistent with the goals of the District. Use of the equipment for private business, product

- advertisement, political lobbying, unauthorized entry into other computer systems, or for making any financial commitments is strictly prohibited.
- b. Attending appropriate training sessions in the use and care of the equipment.
  - c. Adhering to rules established from time to time by the District for the use of the equipment.
  - d. Observing and maintaining privacy of passwords.
  - e. Using only approved, contamination-free software that is properly purchased. Users are advised that unauthorized use of software may violate the copyright laws of the United States, that they are strictly prohibited from using any software in connection with District equipment unless such use is authorized by the copyright owner and such authorization is fully documented in accordance with standards established from time to time by the system administrator. Users are advised to use extreme care in the transfer of files to avoid contamination of the system with viruses and that they will be held responsible for damages to the equipment resulting from inappropriate transfer of files.
  - f. Obtaining the approval of the system administrator prior to subscribing to any listserv or news group.
  - g. Maintaining the integrity of the equipment, including the electronic mail (e-mail) system, reporting violations of privacy and making only those contacts that facilitate learning and enhance educational informational exchange. Use of the equipment to make discriminatory or harassing statements, vulgarities, obscenities or disparaging comments, including the transmission of pornography, is strictly prohibited. Each user agrees to delete diligently old mail messages from the personal mail directory to avoid excessive use of the electronic mail disk space. Each user authorizes the District to delete mail messages at such intervals as the District may deem necessary or desirable from time to time, and the District shall not be liable for any such deletion.

## **Privacy**

Users acknowledge:

- a. That there is no expectation of privacy in the use of the equipment. The District reserves the right to retrieve and review any message composed, sent, received or stored through the use of the equipment.
- b. That all passwords and encrypted information are the property of the District. Users may not use a password that has not been assigned to that user by the system administrator.
- c. That the District reserves all rights to material contained in the equipment and may remove any information that the District, in its sole discretion, deems inappropriate or unauthorized.

### **Consequences of Inappropriate or Unauthorized Behavior**

Users are liable for all consequences, including any monetary damages, resulting from unauthorized use of the equipment or failure to comply with this Electronic Information Access and Use Policy.

The system administrator may, in his/her sole discretion, revoke the privileges and close the account of any user who fails to comply with any provision of this Electronic Information Access and Use Policy.

Users violating this Electronic Information Access and Use Policy may be subject to additional disciplinary action in accordance with District disciplinary policies and guidelines.

Approved 3/4/97

# Auxiliary Service Work Rules



*The development of work rules is necessary in situations where there are large numbers of people employed. These work rules have been established to insure that all employees understand and follow the same general rules. It is further understood that these rules are in addition to departmental rules already established.*

*These rules will be applied on a discretionary basis with management reserving the right to consider each and any situation on its individual merits as it concerns established departmental or general guidelines defined below.*

## General Regulations

### Change of Address/Telephone; Reporting Absences; Voluntary Quit

**Change of Address or Telephone:** The employee shall keep the district informed of his/her current address and phone number. Any change of address or phone number must be immediately reported to the Human Resources department and the employee's own department.

**Reporting Absences:** When absence is unexpected, as in the case of sickness or injury, the employee is required to personally and immediately contact his/her department office and indicate when he/she will return to work. This contact shall be made on a timely basis, within guidelines established by each department. When an employee is absent with an illness more than five days, the employee must contact the Benefits Department in order to meet all requirements for return to work.

**Voluntary Quit:** An employee who fails to report for work for three (3) successive working days without properly notifying the district, unless a reason acceptable to management personnel for such absence is submitted, will be considered to have voluntarily terminated his/her employment.

## Safety and First Aid

**Safety Rules and Practices:** Safety rules and common safety practices must be followed to protect the safety of the district's employees and other persons.

**Work Related Accidents and Injuries:** In the event an employee is injured in a work related accident or receives a work related injury, the employee must follow the procedures outlined below:

- Immediately report the injury/accident to the supervisor. If the supervisor is not available the injury/accident should be reported to another supervisor or to the benefits coordinator in the Human Resources office.
- An *Employee Accident Report* form must be completed in its entirety and requires the employee's signature in his/her own handwriting. Following completion, the form is to be submitted to the employee's supervisor within five (5) working days following the injury/accident.
- If medical treatment is needed, authorization for treatment must be obtained from the Human Resources office. The employee must then report to the authorized district medical clinic:

EMCURA Immediate Care  
4050 West Maple Road, Suite 101  
Bloomfield Township, MI 48301  
248.885.8211

- The initial treatment and follow-up exams must be obtained at the authorized district medical clinic for the first ten (10) days following the injury/accident. If, during the first ten days, treatment is obtained from a health care provider other than the authorized medical clinic, the employee may be responsible for any charges incurred.
- If Bloomfield Urgent Medical Care is closed or emergency treatment is necessary, treatment shall be received at:

Emergency  
St. Joseph Mercy Hospital  
44405 Woodward Ave  
Pontiac, MI 48341  
248.858.3000

- All billings related to the injury/accident are to be sent directly to:

Benefits Coordinator  
Bloomfield Hills Schools  
Booth Center  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
248.341.5431

- Employee must have his/her health care provider complete the *Physician's Release to Return to Work* form, indicating the diagnosis, current treatment, follow-up treatment and length of time the employee is expected to be off.

- Workers' compensation benefits will be paid according to the state of Michigan Workers' Disability Compensation Act and the master agreement between the bargaining unit and the Bloomfield Hills Schools Board of Education.
- Employee injuries are to be treated in a serious manner regardless of observable severity. The above procedures are to be followed in a prompt manner following the injury accident.

## **Maintaining Licensing Requirements for Assigned Jobs**

Employee must maintain any licensing requirements for his/her assigned job. In addition, any employee who drives district vehicles as part of his/her job must maintain a driving record satisfactory to the school district. Any employee with six (6) or more points on his/her driving record, as maintained by the Michigan Secretary of State, will be presumed not to have a satisfactory driving record. If an employee receives six (6) points or more on his/her record, the employee shall immediately inform his/her supervisor. The employee's ability to drive district vehicles will then be assessed by the district.

## **Work Rules**

These rules governing personal conduct are intended to promote the orderly and efficient cooperation of the district as well as to protect the rights of all employees. The disciplinary rules contained in this section are meant to give a general outline of what conduct is prohibited and will not be tolerated by the district. This list of the prohibited conduct is for illustration purposes only; other types of conduct that may jeopardize the personal safety, security or welfare of the district or its employees may also be prohibited.

Employees who engage in the following conduct will be considered to have violated the district's Work Rules. In addition to disciplinary action, a violation may lead to immediate suspension and possible discharge.

1. Assaulting, threatening, intimidating, coercing or interfering with employees or supervisors. The making or publishing of false, vicious or malicious statements concerning any employee, supervisor or the district. Refusing to work cooperatively with other employees and/or creating dissension among other employees.
2. Theft or misappropriation of any property belonging to or left in the custody of the district or belonging to an employee.
3. Deliberate destruction or damage to any property belonging to the district, its employees or that left in the district's custody.
4. Chargeable accidents involving school district vehicles.

5. Misuse or removal from the premises without proper authorization of blueprints, district records or confidential information of any nature.
6. Misuse or abuse of any tools, equipment, materials or other property owned by other employees or by the district, or in the district's custody.
7. Unauthorized operation or use of district facilities, machines, tools, equipment or vehicles.
8. Using, possessing, distributing, selling or offering for sale of narcotics or dangerous drugs or other controlled substances on district property at any time. Reporting for work under the influence of narcotics or dangerous drugs or controlled substances.
9. Possessing or consuming any alcoholic beverage on district property or reporting to work under the influence of alcohol.
10. Gambling, the playing of cards, or possessing gambling items on district premises at any time.
11. Possessing firearms or other dangerous weapons on district property at any time.
12. Immoral conduct, indecency, fighting or provoking a fight on the premises at any time.
13. Failure of an employee to sign, swipe or punch his/her own time card; punching, swiping or signing a card other than the employee's own card, permitting the time card to be punched, swiped or signed by another individual; leaving the premises while signed in.
14. Failure or refusal to follow the direction of management personnel or to do the job assignment. The employee should complete his/her work assignment and follow instructions; any complaint may be taken up later through regular channels.
15. Any deliberate slowdown in work that would result in the assigned work not being completed on a timely basis.
16. Leaving the work assignment during working hours without permission, or failure to return to work as scheduled. **No employee may leave his/her work site without first notifying the department office or appropriate supervisor prior to leaving the building. If the supervisor is unavailable, the employee must leave a voice mail message on the department office telephone.**
17. Engaging in criminal conduct whether or not related to job performance.

Employees who engage in the following conduct will also be considered to have violated the district's work rules. Such violation may result in such discipline as an oral reprimand, a written reprimand, or a disciplinary layoff up to and including discharge, depending upon the seriousness of the offense and the employee's disciplinary record.

1. Obscene language to any employee, management staff, student or visitor.

2. Disregard for safety rules or common safety practice and/or smoking in restricted areas, including any district building, on any bus, or on any school property at any time; and violation of department rules.
3. Habitual or chronic absences, reporting late for work without reasonable cause.
4. Stopping work or making preparation to leave work (such as washing up or changing clothes) before lunch period or authorized quitting time.
5. Wasting time or loitering on district property.
6. Horseplay, scuffling, running or throwing things.
7. Unauthorized soliciting or collecting contributions for any purpose whatsoever during working hours.
8. Unauthorized distribution of literature, written or printed matter of any description in working areas on district premises.
9. Posting or removal of notices, signs, or writing in any form on bulletin boards or district property at any time without the specific authority of management.
10. Faulty or careless workmanship, including littering or contribution to poor housekeeping, unsanitary or unsafe conditions on district premises.
11. Failure or refusal to work as a team to maintain a clean, healthy environment.
12. Changing of assigned work areas without management's knowledge or written consent.

January 1998  
Updated January 2013

Bloomfield Hills Schools Employees:

# Did you know that your child may attend BHS at NO COST?

As a regular Bloomfield Hills Schools employee you are eligible to enroll your K-12 children at BHS' nationally-recognized schools, free of charge.\*

- First Michigan school district to feature interactive technology in all elementary, middle and high school classrooms
- Average of 19 annual National Merit Scholars
- 26 Advanced Placement programs in high school
- Eight world languages taught: Arabic, Chinese, Japanese, Latin, German, French, Spanish and American Sign Language
- All teachers instruct their major field of study
- Average class size K-2: 20; grades 3-5: 24
- Award-winning Performing Arts and Athletics programs
- Nature Center and Bowers Farm offer extended classroom environments for all grades
- Award-winning radio and television stations

**CALL x6390 TODAY** to reserve your child's place in one of the nation's finest school districts.

Student Services • (248) 341-6390

\* Must be employed as a regular employee on Fall Membership Count Day (the fourth Wednesday after Labor Day) and student must be K-12. Offer excludes Bloomin' Kids and Bloomin' Tots Pre-K programs.



**BHS**  
Bloomfield Hills  
S c h o o l s



# HelpNet is here for you and your family!



Your employer has contracted with HelpNet to provide personal counseling to you and your household members. Our counselors are all master's level professionals with extensive experience in dealing with:

- *Marital & family issues*
- *Addictions*
- *Emotional problems*
- *Legal & financial concerns*
- *Careers*
- *Relationships*
- *Aging parents*
- *Stress, anxiety & depression*
- *Life enrichment techniques*

There is no cost to you or your family at HelpNet - and it's confidential!

*\*HelpNet strictly adheres to all state and federal guidelines and regulations pertaining to patient confidentiality. If a contracting employer seeks information, we provide only statistics - no names or diagnoses are ever given without written permission from the patient. The only exception to that is by a court order, if there is a possibility that the patient may harm him or herself or be injured by another, or when child abuse or neglect is suspected.*

## Just call us!

At HelpNet, we understand that problems don't always wait for regular 9 a.m. to 5 p.m. workday hours. That's why we are on-call 24 hours a day, 7 days a week, 365 days a year!

When you contact us, we will offer you an appointment *within 72 business hours of your call* - but if you are in crisis or in an emergency situation, you may request to speak to a counselor *right away!*

*Call anytime!*  
24 hours a day - 365 days a year!  
**1-800-969-6162**  
Corporate Office



## HelpNet offers:

### *Assessment*

Your counselor will talk to you about your concerns and together you will decide the primary issues that need to be resolved. Then we'll offer...

### *Brief Counseling*

If caught in the early stages, many problems can be handled right in the HelpNet office in just a few sessions. These 'brief counseling sessions' have been prepaid by your employer as a part of the overall Employee Assistance Program package. There is no cost to you!

### *A Community Referral*

Some problems require more time - or are outside of our scope of services. In the event this happens, we will guide you to an affordable community professional with a good reputation for helping other people in your situation. We'll explain your health benefits package provided by your employer and any co-pay or out-of-pocket expenses you may incur.



- Marital & family issues
- Addictions
- Emotional problems
- Legal & financial concerns
- Careers
- Relationships
- Aging parents
- Stress, anxiety & depression
- Life enrichment techniques

# HelpNet

...for life's safe landings!

If you are worried about your family, personal life - or work, call HelpNet - your free personal employee assistance program!

For more information, or to make an appointment call:

1 (800) 969-6162

or

1 (269) 660-3900

Free help is just a call away - 24/7!

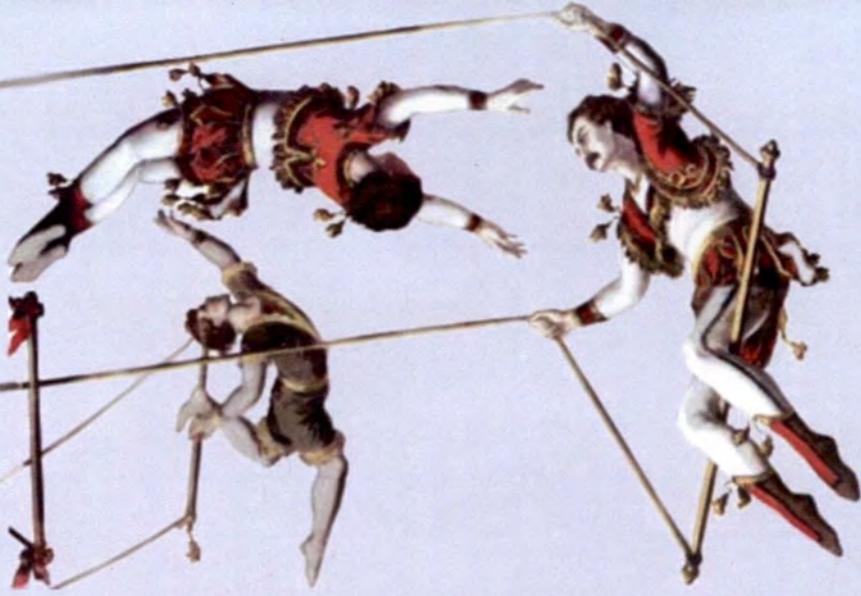
*Life is a balancing act,  
Use a very good 'net.'*

# HelpNet

Visit our website!

[www.helpneteap.com](http://www.helpneteap.com)

**Life is a  
balancing act.**  
*Use a very good 'net.'*



# HelpNet

Your personal  
employee assistance  
program!

# HelpNet

*Your free personal employee assistance program*

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Log on to [www.helpneteap.com](http://www.helpneteap.com). Click on “Work Life Web,” found at top of page.

User Name: BHS

Password: Employee

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- Count on the newly redesigned website whenever you need comprehensive work-life information
- Extensive library of articles and tip sheets on parenting, caregiving, work-life balance and much more, as well as audio and video clips
- Easy site navigation and search capabilities
- Downloadable legal documents
- Self-search resources for child care, elder care, volunteering, camps, and more
- Savings Center for discounts on name-brand merchandise and tickets
- Wellness resources and self-assessments

***HelpNet is here for you and your family!***  
***(800) 969-6162***

## KALPA Professional Development Manager

KALPA  
growth through innovation

| [Help](#) | [Logout](#)

[Home](#) [Courses](#) [Bulletin Board](#) [PD Plans](#) [HR](#) [Reports](#) [Maintenance](#)

Home

KALPA PDMS Login

KALPA  
growth through innovation

District ID:

Login ID:

Password:

Remember Me

District ID: 63080

Login ID: First part of email address (example jsmith)

Password: Last 4 digits of your social security

For KALPA help contact:

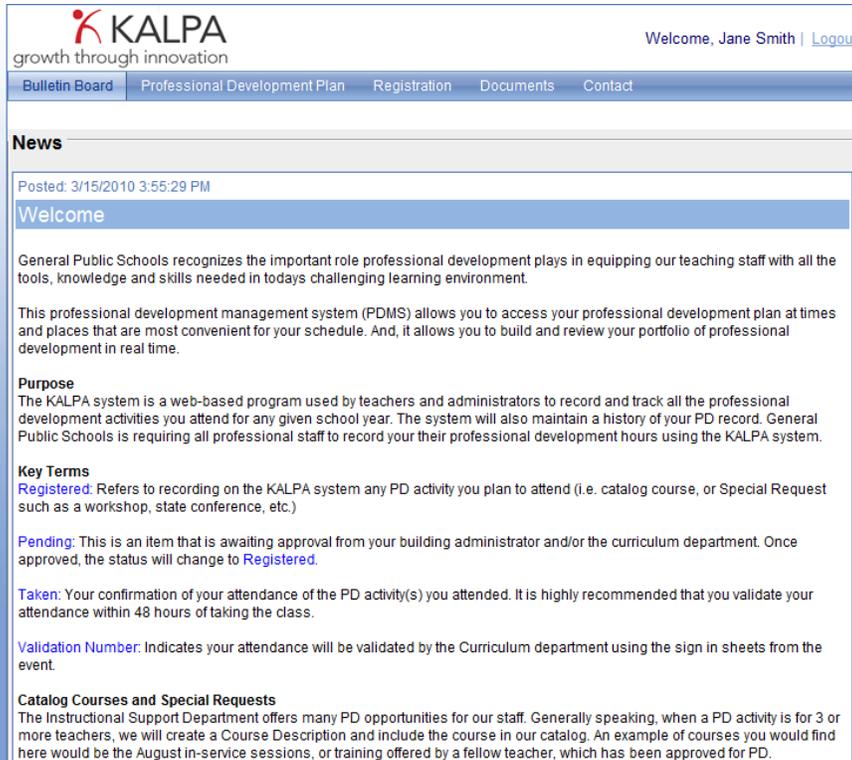
Brenda Allen

248.341.6304

ballen@bloomfield.org

# KALPA Professional Development Management System

## Bulletin Board:



The screenshot shows the KALPA Professional Development Management System interface. At the top left is the KALPA logo with the tagline "growth through innovation". At the top right, it says "Welcome, Jane Smith | Logout". Below the logo is a navigation menu with links for "Bulletin Board", "Professional Development Plan", "Registration", "Documents", and "Contact". The main content area is titled "News" and contains a post dated "3/15/2010 3:55:29 PM". The post title is "Welcome". The text of the post reads: "General Public Schools recognizes the important role professional development plays in equipping our teaching staff with all the tools, knowledge and skills needed in today's challenging learning environment. This professional development management system (PDMS) allows you to access your professional development plan at times and places that are most convenient for your schedule. And, it allows you to build and review your portfolio of professional development in real time." Below this is a "Purpose" section: "The KALPA system is a web-based program used by teachers and administrators to record and track all the professional development activities you attend for any given school year. The system will also maintain a history of your PD record. General Public Schools is requiring all professional staff to record their professional development hours using the KALPA system." Next is a "Key Terms" section with definitions for "Registered" (refers to recording on the KALPA system any PD activity you plan to attend), "Pending" (awaiting approval from building administrator or curriculum department), "Taken" (confirmation of attendance within 48 hours), and "Validation Number" (attendance validated by Curriculum department). The final section is "Catalog Courses and Special Requests", stating that the Instructional Support Department offers many PD opportunities and will create a Course Description for activities lasting 3 or more hours.

The bulletin board or news page is a way for Kalpa administrators in your district to distribute information to you. The bulletin board may include information about professional development, tips on using Kalpa, or links to documents and/or other websites. After you successfully log in, this will be the first page you see. Please make sure you have read the latest news before moving on to your professional development plan.

## Professional Development Plan


Welcome, Jane Smith | [Logout](#)

Bulletin Board
**Professional Development Plan**
Registration
Documents
Contact

My PD Plan
My PD Schedule
My PD Goals

School Year: 2008-2009 Print Special Request

**Annual Professional Development** Required: 30.00 Taken: 2.00 Registered: 0.00

	Course Name	Course ID	Location	Date	Time	Hours	Status
	New Course Screen	252919	location	5/28/2009	10:00AM-1:00PM	4.00	Cancel Registration
	New Course Screen	252919	location	5/28/2009	10:00AM-1:00PM	4.00	Cancel Registration
	New Course Screen	252919	location	5/28/2009	10:00AM-1:00PM	4.00	Not Taken
	Add course Multi Copy	252962	Location	10/15/2009	11:30AM-2:30PM	2.00	Taken
	Add course Multi Copy	252962	Location	10/15/2009	11:30AM-2:30PM	2.00	Cancel Registration

**Administrative Requirement** Required: 180.00 Taken: 0.00 Registered: 0.00

Course Name	Course ID	Location	Date	Time	Hours	Status

**Incentive Points** Required: 0.00 Taken: 0.00 Registered: 0.00

	Course Name	Course ID	Location	Date	Time	Hours	Status
	new request	252915	Location	4/27/2009	9:00AM-1:00PM	2.00	Cancel Registration

The Professional Development menu item has three sub items. The first is your professional development plan which includes all of the courses you have registered for or submitted as a special request. When you are entered into Kalpa as a user, you are assigned a set of professional development requirements by the administrator. Each requirement is displayed separately in your PD plan along with the courses you have registered for towards the completion of that requirement. You can view a description of each requirement by clicking the requirement text. The requirement header also shows you the number of hours required along with how many hours you have taken and registered for that requirement.

Each course you register for can only be applied to one requirement at a time in your plan. Just as you are assigned requirements in Kalpa, each course is also assigned requirements when it is entered into Kalpa by an administrator. You can only move a course to a different requirement when the course is marked "Taken" and the course has the requirement that you want to apply the hours to. To change the status of a course or move the course to another requirement, click the pencil to the left of the course name. You can change the status by selecting a new status from the "Status" dropdown. Your choices may be limited depending on the current status or whether the course date has passed. This is where you can cancel your registration or mark the course as taken. If you try to mark a course as taken and it is not Honor validation then you will be required to enter the validation # to receive credit. If you do not have a validation number, then the course will be validated by an administrator by sign-in sheets from the session. After a course is marked as taken the "Apply to" dropdown will become enabled and you can move the course hours to a different requirement. Remember, you will only see the requirements where your requirements and the courses' requirements match. You can click the course name to bring up a course detail screen which includes the validation type and the requirements that it can be applied to. To save any changes to a course in your plan click the green checkbox or cancel by clicking the red X.

(Requirement Description – Click the Requirement text)

The screenshot shows the KALPA Annual Professional Development interface. A popup window titled "Annual Professional Development" is open, displaying the following text:

Section 1527 of the Michigan State School Code requires that teachers attain at least 5 days of professional development every school year. Professional Development days equate to 6 hours. Therefore this translates into 30 Professional Development hours. (These days do not meet the time requirement for new teachers under Section 1526. New teachers must complete both.)

The background interface includes a navigation menu with "Bulletin Board", "My PD Plan", and "School Year: 2008-2009". A table on the right shows course registration details with columns for "Hours" and "Status".

Hours	Status
4.00	Cancel Registration
4.00	Cancel Registration
4.00	Not Taken
4.00	Registered
2.00	Cancel Registration
2.00	Cancel Registration
2.00	Registered

(Edit Course Status or move Hours – Click the yellow pencil next to the course)

The screenshot shows the KALPA Annual Professional Development interface with an "Add course Multi Copy" popup window. The popup contains the following fields:

- Status: Taken (dropdown menu)
- Validation #: (text input field)
- Apply To: Annual Professional Development (dropdown menu)

The background interface includes a navigation menu with "Bulletin Board", "Professional Development Plan", "Registration", "Documents", and "Contact". A table on the right shows course registration details with columns for "Hours" and "Status".

Hours	Status
4.00	Cancel Registration
4.00	Cancel Registration
4.00	Not Taken
2.00	Taken
2.00	Cancel Registration

At the bottom, an "Incentive Points" summary shows: Required: 0.00 Taken: 0.00 Registered: 0.00. Below this is a table with columns for "Course Name", "Course ID", "Location", "Date", "Time", "Hours", and "Status".

Course Name	Course ID	Location	Date	Time	Hours	Status
new request	252915	Location	4/27/2009	9:00AM-1:00PM	2.00	Cancel Registration

(Course Detail – Click the Course Name)

The screenshot shows the Kalpa web application interface. At the top, the logo 'KALPA growth through innovation' is visible, along with a user greeting 'Welcome, Jane Smith | Logout'. A 'Course Detail' window is open, displaying the following information:

- Course ID: 252919
- Course Name: New Course Screen
- Hours: 4.00
- Offer Date: 5/28/2009
- Time: 10:00AM-1:00PM
- Course Size: 10
- Instructor:
- Location: location
- First Day Registration: 5/12/2009
- Must Register BEFORE: 5/29/2010
- Must Cancel BEFORE: 5/29/2010
- Validation Type: Sign In Sheets
- Approval Levels: 0
- Web Site:
- Description: Description

Below the description, it states: 'This Course can be applied to the following requirements:' followed by a list:

- Annual Professional Development
- Unassigned / Personal Professional Development

The background shows a sidebar with navigation options like 'Bulletin Board', 'My PD Plan', 'School Year: 2008-2009', 'Annual Professional Development', 'Administrative', and 'Incentive Points'. A table at the bottom of the page lists course offerings with columns for Course Name, ID, Location, Offer Date, Time, Hours, and Status.

Course Name	ID	Location	Offer Date	Time	Hours	Status
new request	252915	Location	4/27/2009	9:00AM-1:00PM	2.00	Cancel Registration

The Kalpa course catalog contains professional development activities provided by your school district. It can also contain activities that take place outside the school district where there are more than a handful of teachers attending. If there are only one or two teachers attending a PD activity and they want to apply the hours to their district professional development, then they must submit a special request for the activity. You can add special requests to your PD plan by clicking the “Special Request” button at the top right of your PD plan. Once you complete the special request form, the request is routed to your supervisor ( and potentially your administrator) for approval. The request will immediately show up in your PD plan as “Pending.” After it is approved the status will change to “Registered.” You will receive an email from the system informing you the request was approved or denied.

After you open the special request form, you need to fill out the name, hours, date, time, and description of the activity. A common problem for Kalpa administrators is when teachers are submitting special requests for PD activities that are already in the course catalog. We have tried to solve this problem by “Suggesting” course catalog activities as you type the name of the special request you are entering. If you do not see any relevant courses, then you can ignore the suggestions and submit your special request. If you do see the same course in the suggestions that you are trying to enter a special request for, then please click the “Register” link next to the course and do not submit the special request. Once you click the “Register” link in the suggestions list it is the same as registering for the course from the course catalog. You will see the registration in your plan once you close the request window.

(Special Request Screen)

**KALPA**  
Special Request

Submit Reset Form Close

As you type courses already in the catalog will display. If one of them matches the request you are submitting, click the 'Register' link to register for the course.

Course Name:

Type: Select a Course Type

Credit Hours:

Location:

Date Offered:

Start Time:

End Time:

Instructor:

Course Cost: \$0.00

Hyperlink:

Description: 

Font Name - Size -

Design HTML Preview

The second tab on your Professional Development Plan screen is a calendar view of your current PD schedule. This view will show only courses with a status of Pending, Update, Registered, and Taken. You can export your current schedule to an .ics file format which is directly readable by Outlook and can be imported by most internet calendars like Google calendar. Keep in mind this export is a snapshot of your current schedule and will not be automatically updated should you cancel a course or register for additional courses.

(Personal PD schedule)

**KALPA**  
growth through innovation

Welcome, Jane Smith | Logout

Bulletin Board Professional Development Plan Registration Documents Contact

My PD Plan My PD Schedule My PD Goals

Export

today Mar, 2010 Day Week Month

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	01 Mar	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	01 Apr	2	3

The final tab on your Professional Development Plan screen shows your PD goals. The goals screen may contain district and school level PD goals which will be entered by Kalpa administrators. There is an add button where you can enter up to 5 personal PD goals.

(District, School, and Personal PD Goals)

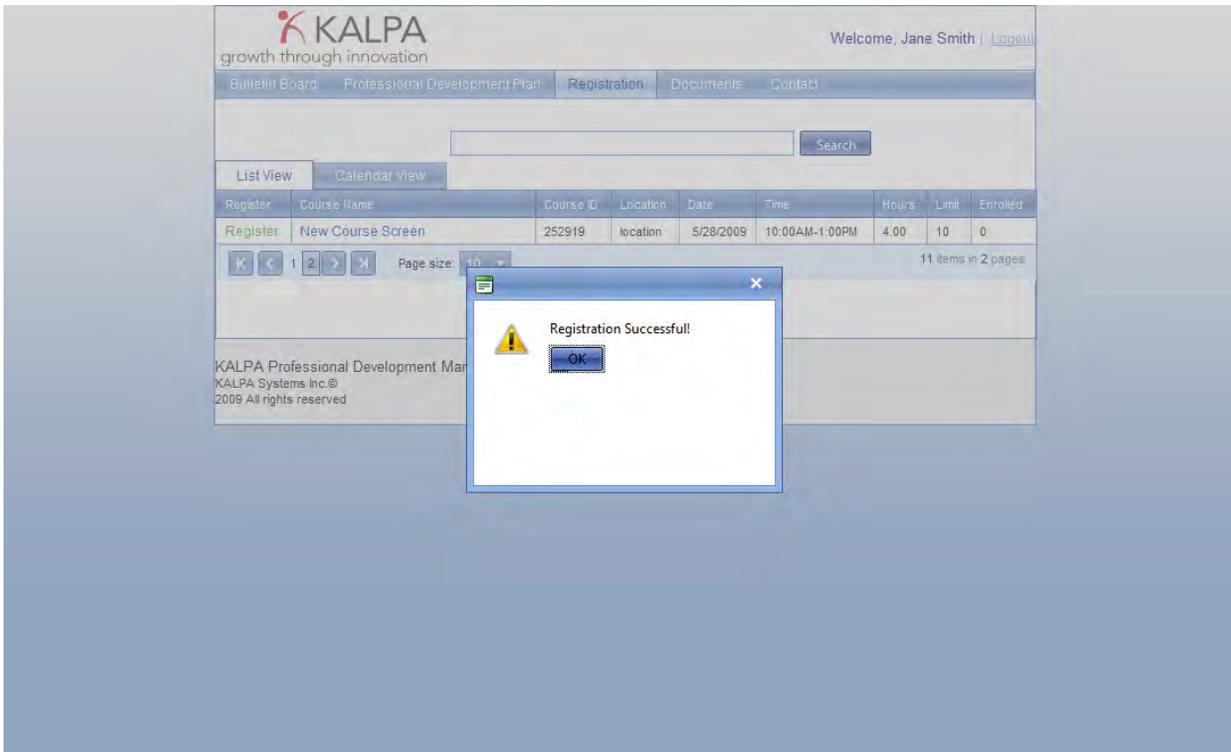
The screenshot displays the KALPA Professional Development Management System interface. At the top, the KALPA logo is visible with the tagline "growth through innovation". A user greeting "Welcome, Jane Smith" and a "Logout" link are present in the top right. A navigation menu includes "Bulletin Board", "Professional Development Plan", "Registration", "Documents", and "Contact". Below this, a sub-menu shows "My PD Plan", "My PD Schedule", and "My PD Goals". The "My PD Goals" section is divided into three sub-sections: "My District PD Goals" with a "Test District Goal" field, "My School PD Goals" with "Test School Goal" and "Goal 2" fields, and "My PD Goals" with a "Test New Goal" field. An "Add New Goal" button is located between the school and personal goal sections. The footer contains the text: "KALPA Professional Development Management System (Version 3 beta)", "KALPA Systems Inc. ©", and "2009 All rights reserved".

## Registration

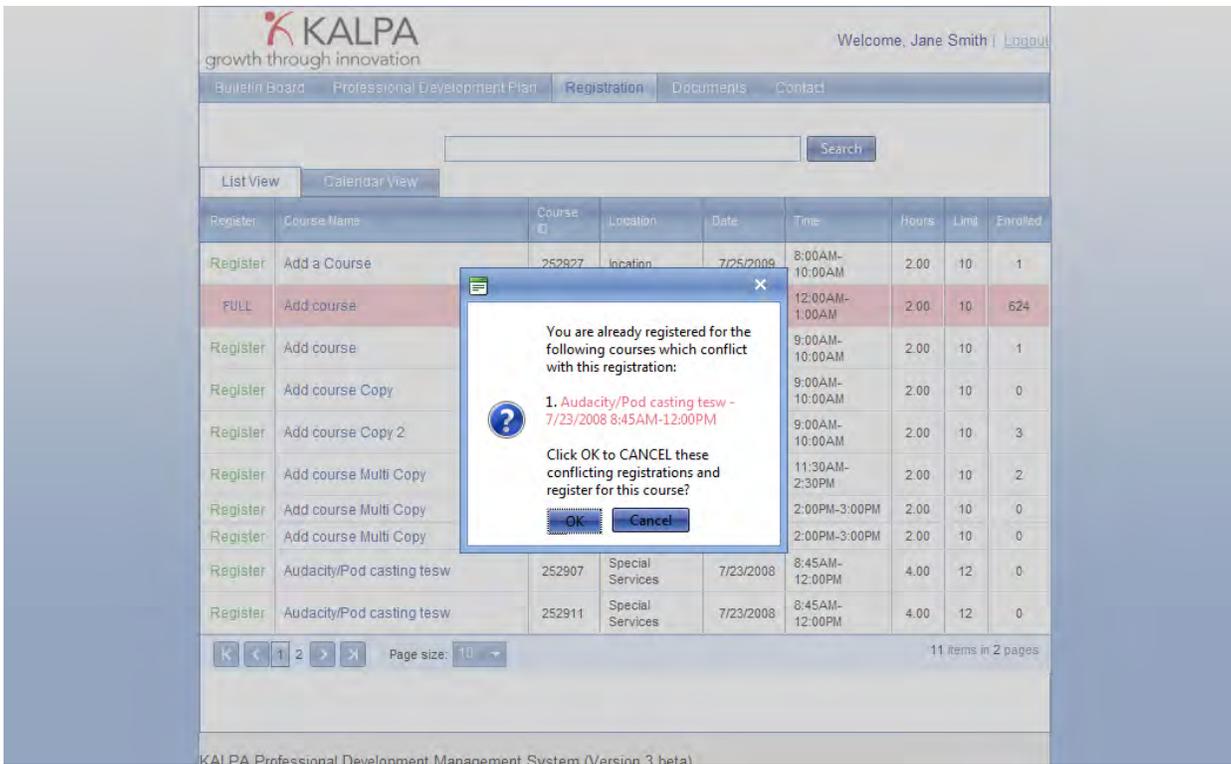
The registration page has two different ways to display the available courses in the catalog. The default view is the list view. You can search the list by entering your search criteria in the text box above the list and pressing the search button. The text entered into the search textbox will search for the text you entered in the courses name, session, location, date, course id, and description. Once you have searched the list a "Clear" button will appear next to the search textbox. Press the "Clear" button to remove the search criteria. If a course is full it will appear in the list, however you will not be able to register for it. A course can be entered to allow a waiting list. If such a course appears in the list it will show up with a yellowish background and have a "Wait List" link in the register column. Once you are on the waiting list you can continue to register for courses at the same date and time. If an administrator adds you to the course from the waiting list your conflicting registration(s) will be automatically cancelled. If a course is open for registration a green "Register" link will show in the register column. If you have a conflicting registration you will receive a message showing the course in your plan that is conflicting with the course you are registering for. You can click "OK" to cancel your current registrations and continue registering for the course. Or you can click "Cancel" to not register for the course and leave your plan the way it is.



(Successful Registration Message - You will receive an email confirmation)



(Conflict Message – press “OK” to cancel the conflicting registration or press “Cancel” to not register for the course.)



The calendar view is the course catalog displayed in calendar format. The search box at the top filters both the list view and the calendar view. You can navigate forward or backward in time using the navigation buttons at the top left of the calendar. There is a pull down calendar in case you want to jump to a certain date. The default view of the calendar is

month. However, you can change the view to week or even day with the buttons at the top right. The month view will only show 5 available courses on one day. If there are more than 5 courses on that day you will see a "more..." link. If you click more... it will change the calendar to the day view and show all of the courses. To see the course detail screen, click on a course. You can click the register button from the detail screen. The courses in the calendar are color coded. Green means open, Red means full, and Yellow means waiting list only.

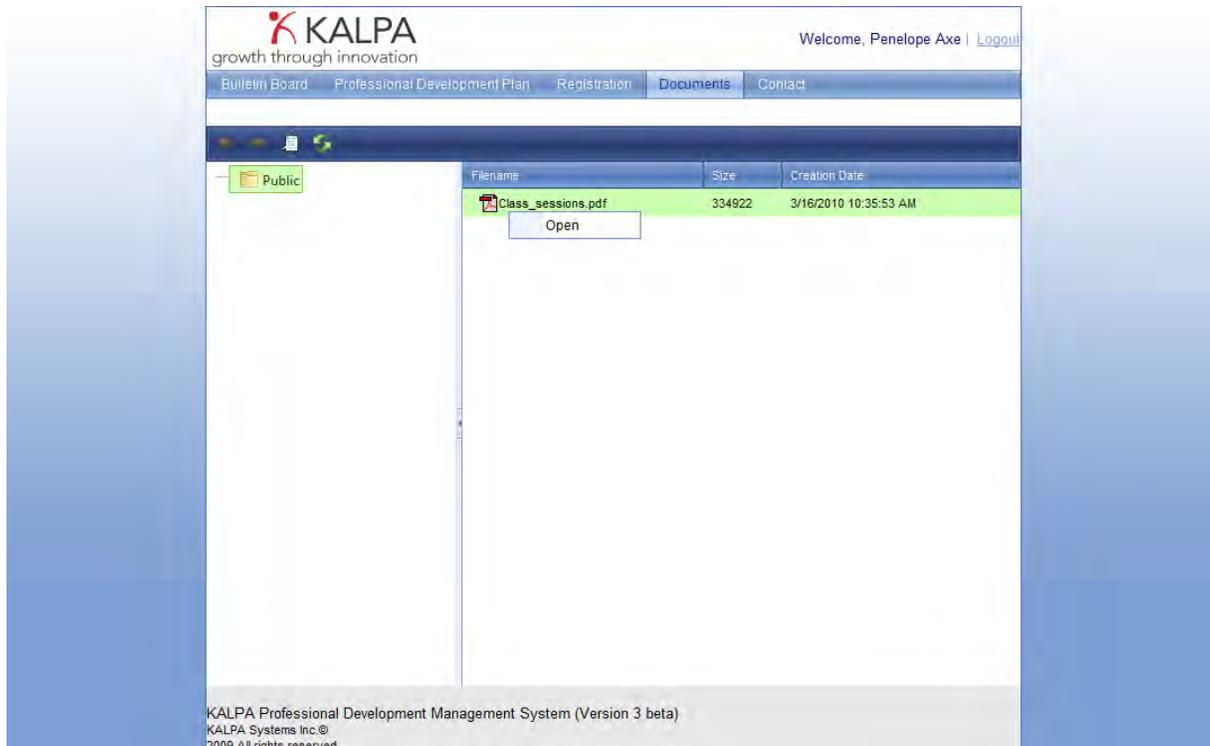
(Registration Calendar View Tab)

The screenshot displays the KALPA registration interface. At the top left is the KALPA logo with the tagline "growth through innovation". To the right, it says "Welcome, Jane Smith | Logout". Below this is a navigation menu with "Bulletin Board", "Professional Development Plan", "Registration" (highlighted), "Documents", and "Contact". A search bar is located below the navigation menu. Underneath are tabs for "List View" and "Calendar View". The main content area shows a monthly calendar for "Oct, 2009" with navigation arrows and "today" indicator. The calendar grid has columns for days of the week (Sun to Sat) and rows for dates. The dates 27, 28, 29, 30, 01 Oct, 2, and 3 are visible in the first row. The dates 4, 5, 6, 7, 8, 9, and 10 are in the second row. The dates 11, 12, 13, 14, 15, 16, and 17 are in the third row. The dates 18, 19, 20, 21, 22, 23, and 24 are in the fourth row. The dates 25, 26, 27, 28, 29, 30, and 31 are in the fifth row. Green "Add course" buttons are present on the following dates: 15 (two buttons), 19 (one button), and 22 (one button).

## Documents

The documents section is a place where Kalpa administrators can share documents with everybody. It could contain forms, PD Day information, or PD Instructions/Guidelines. If you want to download a file, right click the file and select "Open." You can then view the file or save it to your computer hard drive.

(Documents – Right click a file and select open to download)



## Contact

(Contact – What to do if you have Professional Development questions)

The screenshot shows the KALPA Professional Development Management System (Version 3 beta) interface. At the top, there is a logo for KALPA with the tagline "growth through innovation" and a user greeting "Welcome, Jane Smith | Logout". Below this is a navigation menu with tabs for "Bulletin Board", "Professional Development Plan", "Registration", "Documents", and "Contact". The "Contact" tab is currently selected. The main content area has a heading "General Public Schools" and a list of steps for users to follow. Step 1: "Please access the online tutorial and/or 'Getting Started' handout that was distributed before going to step two." Step 2: "Please contact your building tech rep for questions related to accessing the Internet, the KALPA PDMS web site or how to use the system." Step 3: "Please contact your building principal or immediate supervisor if you have questions related to professional development requirements or registration procedures." Step 4: "Please contact: Jane Smith, Director Curriculum, General Public Schools, (248) 273-6300, Email: [Jane.Smith@GeneralSchools.org](mailto:Jane.Smith@GeneralSchools.org)". To the right of Step 4, there is contact information for Brenda Allen: "Contact: Brenda Allen, 248.341.6304, [ballen@bloomfield.org](mailto:ballen@bloomfield.org)". Below the steps, there is a link: "To obtain a copy of the Teachers Getting Started Manual, [click here](#)." At the bottom of the page, there is a footer with the text: "KALPA Professional Development Management System (Version 3 beta) KALPA Systems Inc.© 2009 All rights reserved".



# **CHILD PROTECTION LAW**



ACT NO. 238, Public Acts of 1975, as amended, being  
Sections 722.621 — 722.638, Michigan Compiled Laws.



**STATE OF MICHIGAN**  
**Department of Human Services**

**NOTE:**

All underlined text in this law, except the section headings, is language changed or added in this revision of the publication.

AN ACT to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1988, Act 372, Eff. Mar. 30, 1989.

*The People of the State of Michigan enact:*

**722.621 Short title.**

**Sec. 1.**

This act shall be known and may be cited as the "child protection law".

**History:** 1975, Act 238, Eff. Oct. 1, 1975.

**Cited in other sections:** Section 722.621 et seq. is cited in §§333.5131, 333.5267, and 722.904.

**722.622 Definitions.**

**Sec. 2.**

As used in this act:

- (a) "Adult foster care location authorized to care for a child" means an adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility Licensing Act, 1979 PA 218, MCL 400.703, in which a child is placed in accordance with section 5 of 1973 PA 116, MCL 722.115.
- (b) "Attorney" means, if appointed to represent a child under the provisions referenced in section 10, an attorney serving as the child's legal advocate in the manner defined and described in section 13a of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.
- (c) "Central registry" means the system maintained at the department that is used to keep a record of all reports filed with the department under this act in which relevant and accurate evidence of child abuse or neglect is found to exist.
- (d) "Central registry case" means a child protective services case that the department classifies under sections 8 and 8d as category I or category II. For a child protective services case that was investigated

before July 1, 1999, central registry case means an allegation of child abuse or neglect that the department substantiated.

- (e) "Child" means a person under 18 years of age.
- (f) "Child abuse" means harm or threatened harm to a child's health or welfare that occurs through nonaccidental 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.
- (g) "Child care organization" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.
- (h) "Child care provider" means an owner, operator, employee, or volunteer of a child care organization or of an adult foster care location authorized to care for a child.
- (i) "Child care regulatory agency" means the department of consumer and industry services or a successor state department that is responsible for the licensing or registration of child care organizations or the licensing of adult foster care locations authorized to care for a child.
- (j) "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.
  - (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.
- (k) "Citizen review panel" means a panel established as required by Section 106 of title I of the child abuse prevention and treatment act, Public Law 93-247, 42 U.S.C. 5106a
- (l) "Member of the clergy" means 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.
- (m) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.
- (n) "CPSI system" means the child protective service information system, which is an internal data system maintained within and by the department, and which is separate from the central registry and not subject to section 7.
- (o) "Department" means the family independence agency.
- (p) "Director" means the director of the department.

- (q) "Expunge" means to physically remove or eliminate and destroy a record or report.
- (r) "Lawyer-guardian ad litem" means an attorney under section 10 who has the powers and duties referenced by section 10.
- (s) "Local office file" means the system used to keep a record of a written report, document, or photograph filed with and maintained by a county or a regionally based office of the department.
- (t) "Nonparent adult" means a person who is 18 years of age or older and who, regardless of the person's domicile, meets all of the following criteria in relation to a child:
  - (i) Has substantial and regular contact with the child.
  - (ii) Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare.
  - (iii) Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree.
- (u) "Person responsible for the child's health or welfare" means a parent, legal guardian, person 18 years of age or older who resides for any length of time in the same home in which the child resides, or, except when used in section 7(2)(e) or 8(8), nonparent adult; or an owner, operator, volunteer, or employee of 1 or more of the following:
  - (i) A licensed or registered child care organization.
  - (ii) A licensed or unlicensed adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.
- (v) "Relevant evidence" means evidence having a tendency to make the existence of a fact that is at issue more probable than it would be without the evidence.
- (w) "Sexual abuse" means engaging in sexual contact or sexual penetration as defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.
- (x) "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in section 145c of the Michigan penal code, 1931PA 328, MCL 750.145c.
- (y) "Specified information" means information in a children's protective services case record related specifically to the department's actions in responding to a complaint of child abuse or neglect. Specified information does not include any of the following:
  - (i) Except as provided in this subparagraph regarding a perpetrator of child abuse or neglect, personal identification information for any individual identified in a child protective services record. The exclusion of personal identification information as specified

information prescribed by this subparagraph does not include personal identification information identifying an individual alleged to have perpetrated child abuse or neglect, which allegation has been classified as a central registry case.

- (ii) Information in a law enforcement report as provided in section 7(8).
- (iii) Any other information that is specifically designated as confidential under other law.
- (iv) Any information not related to the department's actions in responding to a report of child abuse or neglect.
- (z) "Structured decision-making tool" means the department document labeled "DSS-4752 (P3)(3-95)" or a revision of that document that better measures the risk of future harm to a child.
- (aa) "Substantiated" means a child protective services case classified as a central registry case.
- (bb) "Unsubstantiated" means a child protective services case the department classifies under sections 8 and 8d as category III, category IV, or category V.

**History:** 1975, Act 238, Eff. Oct. 1, 1975 --Am. 1978, Act 252, Eff. Mar. 30, 1979; --Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1988, Act 372, Eff. Mar. 30, 1989; --Am. 1990, Act 212, Imd. Eff. Sept. 27, 1990; --Am. 1993, Act 251, Imd. Eff. Nov. 24, 1993. --Am. 1996, Act 581, Eff. Mar. 31, 1997; -- Am. 1998, Act 428, Eff. Apr. 1, 1999; -- Am 1998, Act 483. Eff. Mar. 1, 1999; -- Am. 1998, Act 484, Eff. July 1, 1999; -- Am 1998, Act 531. Eff. Jul. 1, 1999; -- Am 2000, Act 45. Eff. Mar. 27, 2000. -- Am 2002, Act 661, Eff. Dec. 23, 2002; --Am 2002, Act 693, Eff. March 1, 2003; --Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005

**722.623 Individuals required to report child abuse or neglect; written report; transmitting report to county department; copies to prosecuting attorney and probate court; conditions requiring transmission of report to law enforcement agency; exposure to or contact with methamphetamine production; pregnancy of or venereal disease in child less than 12 years of age.**

**Sec. 3.**

- (1) An individual is required to report under this act as follows:
  - (a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, 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, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child

abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. 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 report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school shall be considered adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

- (b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or neglect shall make a report of suspected child abuse or neglect to the department in the same manner as required under subdivision (a):
- (i) Eligibility specialist.
  - (ii) Family independence manager.
  - (iii) Family independence specialist.
  - (iv) Social services specialist.
  - (v) Social work specialist.
  - (vi) Social work specialist manager.
  - (vii) Welfare services specialist.
- (2) The written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.
- (3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.
- (4) The written report required in this section shall be mailed or otherwise transmitted to the county family independence agency of the county in which the child suspected of being abused or neglected is found.
- (5) Upon receipt of a written report of suspected child abuse or neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child suspected of

- being abused or neglected resides and is found.
- (6) If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of sections 136b and 145c or sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and 750.520b to 750.520g, or section 7401c of the public health code, 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred, or if the allegation, written report, or subsequent investigation indicates that the suspected child abuse or child neglect was committed by an individual who is not a person responsible for the child's health or welfare, including, but not limited to, a member of the clergy, a teacher, or a teacher's aide, the department shall transmit a copy of the allegation or written report and the results of any investigation to a law enforcement agency in the county in which the incident occurred. If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the department believes that the report has basis in fact, the department shall, within 24 hours of completion, transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child.
- (7) If a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect or discovers evidence of or receives a report of an individual allowing a child to be exposed to or to have contact with methamphetamine production, and the allegation, written report, or subsequent investigation indicates that the child abuse or child neglect or allowing a child to be exposed to or to have contact with methamphetamine production, was committed by a person responsible for the child's health or welfare, the local law enforcement agency shall refer the allegation or provide a copy of the written report and the results of any investigation to the county family independence agency of the county in which the abused or neglected child is found, as required by subsection (1) (a). If an allegation, written report or subsequent investigation indicates that the individual who committed the suspected abuse or neglect or allowed a child to be exposed to or to have contact with methamphetamine production, is a child care provider and the local law enforcement agency believes that the report has basis in fact, the local law enforcement agency shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child. Nothing in this subsection or subsection (1) shall be construed to relieve the department of its responsibilities to investigate reports

of suspected child abuse or child neglect under this act.

- (8) For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse and neglect have occurred.
- (9) In conducting an investigation of child abuse or child neglect, if the department suspects that a child has been exposed to or has had contact with methamphetamine production, the department shall immediately contact the law enforcement agency in the county in which the incident occurred.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1978, Act 252, Eff. Mar. 30, 1979; --Am. 1978, Act 573, Eff. Mar. 30, 1979; --Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1988, Act 372, Eff. Mar. 30, 1989; --Am. 1994, Act 177, Imd. Eff. June 20, 1994; --Am. 2002, Act 10, Eff. Feb. 14, 2002; Am 2002, Act 661, Eff. Dec. 23, 2002; Am 2002, Act 693, Eff. March 1, 2003; --Am. 2006, Act 264, Imd. Eff. July 6, 2006; --Am 2006, Act 583, Imd. Eff. Jan. 3, 2007.

**Cited in other sections:** Section 722.623 is cited in §330.1707.

**722.623a Knowledge or suspicion of alcohol, controlled substance, or metabolite of controlled substance in body of newborn infant; report required; exception.**

**Sec. 3a.**

In addition to the reporting requirement in section 3, a person who is required to report suspected child abuse or neglect under section 3(1) and who knows, or from the child's symptoms has 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 shall report to the department in the same manner as required under section 3. A report is not required under this section 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.

**History:** Add. 1996, Act 581, Eff. Mar. 31, 1997.

**722.624 Persons permitted to report child abuse or neglect.**

**Sec. 4.**

In addition to those persons required to report child abuse or neglect under section 3, any person, including a child, who has reasonable cause to suspect child abuse or neglect may report the matter to the department or a law enforcement agency.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1984, Act 418, Eff. Mar. 29, 1985.

**Cited in other sections:** Section 722.624 is cited in §722.904.

**722.625 Identity of reporting person; confidentiality; disclosure; immunity; good faith presumed.**

**Sec. 5.**

Except for records available under section 7(2)(a), (b) and (n), 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.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1988, Act 372, Eff. Mar. 30, 1989; --Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994; --Am. 1998, Act 428, Eff. Apr. 1, 1999; --Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005

**722.626 Detention of child in temporary protective custody; preliminary hearing; examinations; report; medical evaluation.**

**Sec. 6.**

- (1) If a child suspected of being abused or neglected is admitted to a hospital or brought to a hospital for outpatient services and the attending physician determines that the release of the child would endanger the child's health or welfare, the attending physician shall notify the person in charge and the department. The person in charge may detain the child in temporary protective custody until the next regular business day of the probate court, at which time the probate court shall order the child detained in the hospital or in some other suitable place pending a preliminary hearing as required by section 14 of chapter 12A of Act No. 288 of the Public Acts of 1939, as amended, being section 712A.14 of the Michigan Compiled Laws, or order the child released to the child's parent, guardian or custodian.
- (2) When a child suspected of being an abused or neglected child is seen by a physician, the physician shall make the necessary examinations, which may include physical examinations, x-rays, photographs, laboratory studies, and other pertinent studies. The physician's written report to the department shall contain summaries of the evaluation, including medical test results.
- (3) If a report is made by a person other than a physician, or if the physician's report is not complete, the department may request a court order for a medical evaluation of the child. The department shall have a medical evaluation made without a court order if either of the following occurs:

- (a) The child's health is seriously endangered and a court order cannot be obtained.
- (b) The child is displaying symptoms suspected to be the result of exposure to or contact with methamphetamine production.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 2006, Act 266, Imd. Eff. July 6, 2006.

**722.627 Central registry; availability of confidential records; closed court proceeding not required; notice to individuals; amending or expunging certain reports and records; hearing; evidence; release of reports compiled by law enforcement agency; information obtained by citizen review panel; dissemination of information to pursue sanctions for dereliction of duty by agency employee.**

**Sec. 7.**

- (1) The department shall maintain a statewide, electronic central registry to carry out the intent of this act.
- (2) Unless made public as specified information released under section 7d, a written report, document, or photograph filed with the department as provided in this act is a confidential record available only to 1 or more of the following:
  - (a) A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or 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 care records.
  - (b) A police or other law enforcement agency investigating a report of known or suspected child abuse or neglect.
  - (c) A physician who is treating a child whom the physician reasonably suspects may be abused or neglected.
  - (d) A person legally authorized to place a child in protective custody when the person is confronted with a child whom the person reasonably suspects may be abused or neglected and the confidential record is necessary to determine whether to place the child in protective custody.
  - (e) A person, agency, or organization, including a multidisciplinary case consultation team, authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or record under this act, or who is responsible for the child's health or welfare.
  - (f) A person named in the report or record as a perpetrator or alleged perpetrator of the child abuse or neglect or a victim who is an adult at the time of the request, if the identity of the reporting person is protected as provided in section 5.

- (g) A court that determines the information is necessary to decide an issue before the court.
- (h) A grand jury that determines the information is necessary in the conduct of the grand jury's official business.
- (i) A person, agency, or organization engaged in a bona fide research or evaluation project. The person, agency, or organization shall not release information identifying a person named in the report or record unless that person's written consent is obtained. The person, agency, or organization shall not conduct a personal interview with a family without the family's prior consent and shall not disclose information that would identify the child or the child's family or other identifying information. The department director may authorize the release of information to a person, agency, or organization described in this subdivision if the release contributes to the purposes of this act and the person, agency, or organization has appropriate controls to maintain the confidentiality of personally identifying information for a person named in a report or record made under this act.
- (j) A lawyer-guardian ad litem or other attorney appointed as provided by section 10.
- (k) A child placing agency licensed under 1973 PA 116, MCL 722.111 to 722.128, for the purpose of investigating an applicant for adoption, a foster care applicant or licensee or an employee of a foster care applicant or licensee, an adult member of an applicant's or licensee's household, or other persons in a foster care or adoptive home who are directly responsible for the care and welfare of children, to determine suitability of a home for adoption or foster care. The child placing agency shall disclose the information to a foster care applicant or licensee under 1973 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.
- (l) Family division of circuit court staff authorized by the court to investigate foster care applicants and licensees, employees of foster care applicants and licensees, adult members of the applicant's or licensee's household, and other persons in the home who are directly responsible for the care and welfare of children, for the purpose of determining the suitability of the home for foster care. The court shall disclose this information to the applicant or licensee.
- (m) Subject to section 7a, a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over child protective services matters.
- (n) The children's ombudsman appointed under the children's

ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

- (o) A child fatality review team established under section 7b and authorized under that section to investigate and review a child death.
  - (p) A county medical examiner or deputy county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the purpose of carrying out his or her duties under that act.
  - (q) A citizen review panel established by the department. Access under this subdivision shall be limited to information the department determines is necessary for the panel to carry out its prescribed duties.
  - (r) A child care regulatory agency.
  - (s) A foster care review board for the purpose of meeting the requirements of 1984 PA 422, MCL 722.131 to 722.139a.
  - (t) A local friend of the court office, subject to the provisions of subsection (3) and sections 5 and 13, if there is a compelling need for child protective services records or information to determine custody or parenting time issues regarding a child. A local friend of the court office investigator, caseworker, or administrator directly involved in the custody investigation shall notify the appropriate department or child protective services local or central office that a child custody or parenting time investigation has been initiated involving a family and shall request in writing child protective services records and information that are pertinent to that investigation. Upon receipt of this notification and request, the local office of child protective services supervisor shall review child protective services information in the local office's possession to determine if there are child protective services records or information that is pertinent to that investigation. Within 14 days after receipt of a request made under this subdivision, the child protective services local office shall release the pertinent child protective services records and information to the investigator, caseworker, or administrator directly involved in the child custody or parenting time investigation. Child protective services is further authorized to report to the local friend of the court office any situation in which a parent, more than 3 times within 1 year or on 5 cumulative reports over several years, made unfounded reports to child protective services regarding alleged child abuse or neglect of his or her child.
- (3) Subject to subsection (9), a person or entity to whom information described in subsection (2) is disclosed shall make the information available only to a person or entity described in subsection (2). This subsection does not require a court proceeding to be closed that

- otherwise would be open to the public.
- (4) If the department classifies a report of suspected child abuse or neglect as a central registry case, the department shall maintain a record in the central registry and, within 30 days after the classification, shall notify in writing each person who is named in the record as a perpetrator of the child abuse or neglect. The notice shall set forth the person's right to request expunction of the record and the right to a hearing if the department refuses the request. The notice shall state that the record may be released under section 7d. The notice shall not identify the person reporting the suspect child abuse or neglect.
  - (5) A person who is the subject of a report or record made under this act may request the department to amend an inaccurate report or record from the central registry and local office file. A person who is the subject of a report or record made under this act may request the department to expunge from the central registry a report or record in which no relevant and accurate evidence of abuse or neglect is found to exist. A report or record filed in a local office file is not subject to expunction except as the department authorizes, if considered in the best interest of the child.
  - (6) If the department refuses a request for amendment or expunction under subsection (5), or fails to act within 30 days after receiving the request, the department shall hold a hearing to determine by a preponderance of the evidence whether the report or record in whole or in part should be amended or expunged from the central registry on the grounds that the report or record is not relevant or accurate evidence of abuse or neglect. The hearing shall be before a hearing officer appointed by the department and shall be conducted as prescribed by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
  - (7) If the investigation of a report conducted under this act fails to disclose evidence of abuse or neglect, the information identifying the subject of the report shall be expunged from the central registry. If evidence of abuse or neglect exists, the department shall maintain the information in the central registry until the department receives reliable information that the perpetrator of the abuse or neglect is dead.
  - (8) In releasing information under this act, the department shall not include a report compiled by a police agency or other law enforcement agency related to an ongoing investigation of suspected child abuse or neglect. This subsection does not prevent the department from releasing reports of convictions of crimes related to child abuse or neglect.
  - (9) A member or staff member of a citizen review panel shall not disclose identifying information about a specific child protection case to an

individual, partnership, corporation, association, governmental entity, or other legal entity. A member or staff member of a citizen review panel is a member of a board, council, commission, or statutorily created task force of a governmental agency for the purposes of section 7 of 1964 P.A. 170, MCL 691.1407. Information obtained by a citizen review panel is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1991, Act 78, Imd. Eff. July 18, 1991; --Am. 1993, Act 251, Imd. Eff. Nov. 24, 1993; --Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994; --Am. 1995, Act 220, Eff. Dec. 1, 1995; --Am. 1995, Act 225, Eff. Dec. 14, 1995; --Am. 1997, Act 168, Eff. Mar. 31, 1998; --Am. 1998, Act 428, Eff. Apr. 1, 1999; --Am. 1998, Act 483, Eff. Mar. 1, 1999; --Am. 1998, Act 485, Eff. Aug. 1, 1999. --Am. 2000, Act 45, Eff. Mar. 27, 2000; Am. 2002, Act 661, Imd. Eff. Dec. 23, 2003; --Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005; --Am. 2006, Act 621, Imd. Eff. Jan. 3, 2007.

**722.627a Availability of information, reports, and records to legislature; disclosure of or keeping confidential information as misdemeanor.**

**Sec. 7a.**

- (1) The department shall make information contained in the central registry and reports and records made pursuant to this act available to a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children subject to all of the following:
  - (a) The department shall not provide confidential information protected by section 7 to the committee unless the committee members appointed and serving agree by roll call vote that the information is essential for the protection of Michigan children or for legislative oversight of the protective services program and that the confidential information will only be considered at a closed session of the committee. The affirmative vote required by this subdivision shall be by not less than the super majority required by section 7 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.267 of the Michigan Compiled Laws, and may serve as the vote required under that section for holding a closed session.
  - (b) In addition to compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, a closed session held under this section shall comply with all of the following:
    - (i) Tape recording, camera, or other electronic equipment for documenting the proceedings shall not be permitted in the

closed session.

- (ii) Attendance at the closed session shall be limited to committee members, other members of the legislature and legislative staff at the discretion of the chairperson, and staff members from the department designated by the director.
- (2) A person who discloses or causes to be disclosed confidential information to which the person has gained access at a meeting held under this section is guilty of a misdemeanor. A person who keeps a confidential record or file, or a copy of a confidential record or file, at the conclusion of a closed session held under this section, which record or file is obtained at that meeting, is guilty of a misdemeanor.

**History:** Add. 1993, Act 251, Imd. Eff. Nov. 24, 1993.

**722.627b Child fatality review team; membership; review of child fatality; training and orientation; creation of advisory committee; publication of annual report; transmission of report to governor and legislature; disclosure of information; member of review team as member for purposes of § 691.1407.**

**Sec. 7b.**

- (1) By January 1, 1999, each county may have in place a standing child fatality review team. Two or more counties may appoint a single child fatality review team for those counties. The membership of a child fatality review team shall consist of at least all of the following:
  - (a) A county medical examiner or deputy county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.
  - (b) A representative of a local law enforcement agency.
  - (c) A representative of the department.
  - (d) The county prosecuting attorney or a designated assistant county prosecutor.
  - (e) A representative of the department of community health or a local health department.
- (2) A child fatality review team established under subsection (1) shall review each child fatality occurring in the county or counties that established the child fatality review team.
- (3) The department shall make available to each child fatality review team established under subsection (1) professional, interagency training and orientation on the review of child fatalities. The department shall make available, as necessary, training on specific types of child fatalities, investigation techniques, and prevention initiatives.
- (4) By January 1, 1998, the department shall establish a multiagency, multidisciplinary advisory committee to identify and make

recommendations on policy and statutory changes pertaining to child fatalities and to guide statewide prevention, education, and training efforts.

- (5) The advisory committee created under subsection (4) consists of the following:
  - (a) Two representatives of the family independence agency.
  - (b) Two representatives of the department of community health.
  - (c) One county medical examiner.
  - (d) One representative of law enforcement.
  - (e) One county prosecuting attorney.
  - (f) The children's ombudsman or his or her designee.
- (6) Using the annual compilation of child fatalities reported by the state registrar under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899, and data received from the child fatality review teams established under subsection (1), the advisory committee established under subsection (4) shall publish an annual report on child fatalities. The advisory committee shall include in the report, at a minimum, all of the following:
  - (a) The total number of child fatalities and the type or cause of each child fatality.
  - (b) The number of child fatalities that occurred while the child was in foster care.
  - (c) The number of cases where the child's death occurred within 5 years after family preservation or family reunification.
  - (d) Trends in child fatalities.
- (7) The advisory committee established under subsection (4) shall break down the information required under subsection (6) by county or by groups of counties as described in subsection (1). The information contained in the report is public information. The advisory committee shall not include identifying information of persons named in the report. The advisory committee shall transmit a copy of the report required under subsection (6) to the governor and to the standing committees of the legislature with jurisdiction over matters pertaining to child protection.
- (8) Information obtained by a child fatality review team established under subsection (1) is confidential and may be disclosed by the child fatality review team only to the department, the children's ombudsman, the county prosecutor's office, local law enforcement, or another child fatality review team. The information is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (9) An individual who is a member of a child fatality review team established under subsection (1) or of the advisory committee established under subsection (4) is a member of a board, council,

commission, or statutorily created task force of a governmental agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407.

**History:** Add. 1997, Act 167, Eff. Mar. 31, 1998.

**722.627c Release of information from child protective services records or case in which child has died; decision by director; determination.**

**Sec. 7c.**

- (1) Sections 7d to 7i govern the director's decisions to release specified information from child protective services records.
- (2) The director shall release specified information in a child abuse or neglect case in which a child who was a part of the case has died.
- (3) The director may designate another individual to act for the director under sections 7d to 7i, and a reference to the director under those sections applies to an individual designated by the director.
- (4) For the purposes of sections 7d to 7i, a child's best interest shall be determined based on all of the following:
  - (a) Protection of the child's safety.
  - (b) Preservation of the child's physical, mental, and emotional health.
  - (c) Consideration of the child's likelihood of establishing a successful and timely permanent family and community relationship.
- (5) Sections 7d to 7i do not subject a report or record that is confidential under this act to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999; --Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005

**722.627d Release of information by director; preliminary decision to release or deny information; extension of time period; evidence.**

**Sec. 7d.**

- (1) Subject to sections 7c to 7i, at the director's initiative or upon written request, the director may release specified information. If a written request for specified information is submitted to the department, the director shall make a preliminary decision to release or to deny release of the specified information within 14 days after receipt of the request. After notifying the requester, the director may extend that time period for an additional 14 days if the additional time is necessary to research and compile the requested specified information.
- (2) The director may release specified information under this section if there is clear and convincing evidence that either of the following is true:
  - (a) The release of the specified information is in the best interest of

- the child to whom the specified information relates.
- (b) The release of the specified information is not in conflict with the best interest of the child to whom the specified information relates, and 1 or more of the following are true:
    - (i) The release is in the best interest of a member of the child's family or of an individual who resides in the same home in which the child resides. For the purposes of this subparagraph, the child's family includes the child's parents, legal guardians, grandparents, and siblings.
    - (ii) The release clarifies actions taken by the department on a specific case.
    - (iii) The report or record containing the specified information concerns a child who has died or concerns a member of that child's family.
    - (iv) All or part of the report or record containing the specified information is publicly disclosed in a judicial proceeding.
    - (v) A child abuse or neglect complaint or investigation to which the report or record containing the specified information relates has been part of the subject matter of a published or broadcast media story.
    - (vi) The report or record containing the specified information concerns a substantiated report of sexual abuse, serious injury, or life threatening harm involving the child or a sibling of the child identified in the request.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

**722.627e Release of information by director; prohibitions.**

**Sec. 7e.**

- (1) The director shall not deny a request for specified information under section 7d based upon a desire to shield a lack of or an inappropriate performance by the department.
- (2) Regardless of the director's determination that specified information may be released under section 7d, the director shall not release the specified information if 1 or more of the following are true:
  - (a) The request for release does not include information sufficient to identify the specific case to which the request relates.
  - (b) An investigation of the report of child abuse or neglect to which the specified information relates is in progress and the report has not been substantiated or unsubstantiated.
  - (c) A hearing is pending under section 7(6).
  - (d) There is an ongoing criminal investigation and, as determined by the local prosecuting attorney, release would interfere with the criminal investigation.
  - (e) The individual who submits the request is serving a sentence of imprisonment in a state, county, or federal correctional facility in

this state or in another state.

- (f) The child to whom the report or record relates is 18 years of age or older.

**History:** Add. 1998; Act 428, Eff. Apr. 1, 1999.

**722.627f Release of information by director; preliminary decision to release or deny request; notice; final decision; writing; right to appeal.**

**Sec. 7f.**

- (1) Not less than 14 days before specified information is released or within 14 days after making a decision to deny a request for release of specified information under section 7d, the director shall give notice as provided in this subsection and section 7g of a preliminary decision to release or to deny a request to release specified information. The notice shall be in writing and shall be made by personal service or by registered or certified mail, return receipt requested and deliverable to the addressee only. The notice shall include at least all of the following:
  - (a) The basis on which the specified information is being released or the basis for denial of the request for release.
  - (b) A statement that the decision becomes a final decision unless information that could be the basis for a different decision is submitted to the director in writing within 14 days after the notice is given.
  - (c) A statement that there is a right to appeal a final decision as provided in section 7h. The notice shall include information regarding where to file the appeal and describing appellate procedures.
- (2) If, within 14 days after giving notice, the director does not receive information in writing that could be the basis for a different decision, the director's decision is final.
- (3) If the director does receive information as described in subsection (2), the director shall make a final decision to release or deny a request to release the specified information within 7 days after receipt of the information. The director shall give notice of a final decision made under this subsection to each individual required to be notified under section 7g(1) or (2). The notice required by this subsection shall be in writing and shall include at least notification of the right to appeal a final decision as provided in section 7h.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

**722.627g Release of information by director; individuals to be notified.**

**Sec. 7g.**

- (1) If the director decides to release specified information under section 7d, the department shall give each notice required under section 7f to each of the following:
  - (a) Each individual named in the report as a perpetrator or an alleged perpetrator of the child's abuse or neglect, unless the individual named in the report has been convicted of a crime relating to the abuse or neglect, and no appeal is pending.
  - (b) Each parent or legal guardian of the child.
  - (c) Each attorney representing the child who is the subject of the case, or representing an individual listed in subdivision (a) or (b), if the department has notice of that representation.
  - (d) The child's guardian ad litem.
- (2) If the director denies a request for release of information under section 7d, the department shall notify only the requesting person.
- (3) If an individual required to be notified under subsection (1)(a) is named as a perpetrator of child abuse or neglect in a report that contains specified information requested to be released, and that individual was not previously notified under section 7(4), the department shall notify that individual as required by section 7(4) not less than 14 days before the specified information is released. If an individual who is required to be notified under this subsection requests expunction of the record within 14 days after the notice is given, the specified information shall not be released under this section until the procedures governing expunction under section 7 are completed. If an individual who is required to be notified under this subsection does not request expunction within 14 days, the procedures for release of specified information under sections 7c to 7i shall be followed, and the individual does not have a right to appeal the decision to release.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

**722.627h Appeal of director's decision**

**Sec. 7h.**

- (1) Before the release of specified information under section 7d and except as provided in section 7g, an individual required to be notified under section 7g may appeal the director's decision to the circuit court. If an appeal is filed and the department notified before the release, the specified information shall not be released until the decision to release is upheld by the circuit court. If the director denies a request to release specified information under section 7d, within 30 days after notice of the denial, the person whose request

is denied may file an appeal of the denial with the circuit court. The court shall uphold a decision to release or to deny release of specified information unless the court finds that the director's decision was an abuse of the director's discretion based upon the criteria for releasing or not releasing specified information prescribed by sections 7c to 7i.

- (2) Proceedings on an appeal filed under this section are confidential, and any record of these proceedings shall not be released unless the court upholds a decision to release specified information or reverses the denial of a request for release. The court shall conduct its review so that a person whose request for specified information was denied does not have access to that specified information during the appeal proceedings.
- (3) If the court reverses the director's decision to release or to deny release of specified information in an appeal under this section, the court may order the department to pay the appellant's costs and reasonable attorney fees that are related to the appeal.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

**722.627i Fee; federal assurances and waivers.**

**Sec. 7i.**

- (1) The department may charge a fee for a copy of specified information released under section 7d in the same manner that a public body is authorized to charge a fee under section 4 of the freedom of information act, 1976 PA 442, MCL 15.234.
- (2) Sections 7c to 7i shall not be enforced and the family independence agency shall not utilize or implement those provisions unless the family independence agency consults with and receives assurances from the federal government, including any necessary federal waivers, that utilization and implementation of those provisions do not jeopardize this state's receipt of federal money.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

**772.627j Individual not named in central registry case as perpetrator of child abuse or neglect; documentation; request; automated system; definitions.**

**Sec. 7j.**

- (1) Upon written request, the department may provide to an individual documentation stating that the individual is not named in a central registry case as the perpetrator of child abuse or child neglect. The written request required under this section shall include the individual's affirmation that he or she is employed by, volunteers at, is applying for employment in, or is seeking to volunteer in a child care center, child caring institution, or child placing agency.
- (2) For the purpose of applying for employment or seeking to volunteer

in a child care center, child caring institution, or child placing agency, an individual may share the document provided in subsection (1) with the child care center owner or licensee, or a child caring institution or child placing agency, or an individual authorized by the child care center owner or licensee, the child caring institution, or the child placing agency.

- (3) The family independence agency may develop an automated system that will allow an individual applying for child-related employment or seeking to volunteer in a capacity that would allow unsupervised access to a child for whom the individual is not a person responsible for that child's health or welfare to be listed in that system if a screening of the individual finds that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect. The automated system developed under this section shall provide for public access to the list of individuals who have been screened for the purposes of complying with this section. An automated system developed under this section shall have appropriate safeguards and procedures to ensure that information that is confidential under this act, state law, or federal law is not accessible or disclosed through that system.
- (4) As used in this section, "child care center," "child caring institution," and "child placing agency" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111

**History:** Add. 2002, Act 716, Eff. March 31, 2003; --Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005

**722.628 Referring report or commencing investigation; informing parent or legal guardian of investigation; duties of department; assistance of and cooperation with law enforcement officials; procedures; proceedings by prosecuting attorney; cooperation of schools or other institution; information as to disposition of report; exception to reporting requirement; surrender of newborn; training of employees on rights of children and families.**

**Sec. 8.**

- (1) Within 24 hours after receiving a report made under this act, the department shall refer the report to the prosecuting attorney and the local law enforcement agency if the report meets the requirements of subsection (3)(a), (b), or (c) or section 3(6) or (9), shall commence an investigation of the child suspected of being abused or neglected. Within 24 hours after receiving a report whether from the reporting person or from the department under subsection (3)(a), (b), or (c) or section 3(6) or (9), the local law enforcement agency shall refer the report to the department if the report meets the requirements of section 3(7) or shall commence an investigation of the child

suspected of being abused or neglected or exposed to or who has had contact with methamphetamine production. If the child suspected of being abused or exposed to or who has had contact with methamphetamine production is not in the physical custody of the parent or legal guardian and informing the parent or legal guardian would not endanger the child's health or welfare, the agency or the department shall inform the child's parent or legal guardian of the investigation as soon as the agency or the department discovers the identity of the child's parent or legal guardian.

- (2) In the course of its investigation, the department shall determine if the child is abused or neglected. The department shall cooperate with law enforcement officials, courts of competent jurisdiction, and appropriate state agencies providing human services in relation to preventing, identifying, and treating child abuse and neglect; shall provide, enlist, and coordinate the necessary services, directly or through the purchase of services from other agencies and professions; and shall take necessary action to prevent further abuses, to safeguard and enhance the child's welfare, and to preserve family life where possible. In the course of an investigation, at the time that a department investigator contacts an individual about whom a report has been made under this act or contacts an individual responsible for the health or welfare of a child about whom a report has been made under this act, the department investigator shall advise that individual of the department investigator's name, whom the department investigator represents, and the specific complaints or allegations made against the individual. The department shall ensure that its policies, procedures, and administrative rules ensure compliance with the provisions of this act.
- (3) In conducting its investigation, the department shall seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware that 1 or more of the following conditions exists:
  - (a) Abuse or neglect is the suspected cause of a child's death.
  - (b) The child is the victim of suspected sexual abuse or sexual exploitation.
  - (c) Abuse or neglect resulting in severe physical injury to the child requires medical treatment or hospitalization. For purposes of this subdivision and section 17, "severe physical injury" means an injury to the child that requires medical treatment or hospitalization and that seriously impairs the health or physical well-being of a child.
  - (d) Law enforcement intervention is necessary for the protection of the child, a department employee, or another person involved in the investigation.
  - (e) The alleged perpetrator of the child's injury is not a person

responsible for the child's health or welfare.

- (f) The child has been exposed to or had contact with methamphetamine production.
- (4) Law enforcement officials shall cooperate with the department in conducting investigations under subsections (1) and (3) and shall comply with sections 5 and 7. The department and law enforcement officials shall conduct investigations in compliance with the protocols adopted and implemented as required by subsection (6).
- (5) Involvement of law enforcement officials under this section does not relieve or prevent the department from proceeding with its investigation or treatment if there is reasonable cause to suspect that the child abuse or neglect was committed by a person responsible for the child's health or welfare.
- (6) In each county, the prosecuting attorney and the department shall develop and establish procedures for involving law enforcement officials as provided in this section. In each county, the prosecuting attorney and the department shall adopt and implement standard child abuse and neglect investigation and interview protocols using as a model the protocols developed by the governor's task force on children's justice as published in FIA Publication 794 (8-98) and FIA Publication 779 (8-98), or an updated version of those publications.
- (7) If there is reasonable cause to suspect that a child in the care of or under the control of a public or private agency, institution, or facility is an abused or neglected child, the agency, institution, or facility shall be investigated by an agency administratively independent of the agency, institution, or facility being investigated. If the investigation produces evidence of a violation of section 145c or sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to 750.520g, the investigating agency shall transmit a copy of the results of the investigation to the prosecuting attorney of the county in which the agency, institution, or facility is located.
- (8) A school or other institution shall cooperate with the department during an investigation of a report of child abuse or neglect. Cooperation includes allowing access to the child without parental consent if access is determined by the department to be necessary to complete the investigation or to prevent abuse or neglect of the child. However, the department shall notify the person responsible for the child's health or welfare about the department's contact with the child at the time or as soon afterward as the person can be reached. The department may delay the notice if the notice would compromise the safety of the child or child's siblings or the integrity of the investigation, but only for the time 1 of those conditions exists.
- (9) If the department has contact with a child in a school, all of the

following apply:

- (a) Before contact with the child, the department investigator shall review with the designated school staff person the department's responsibilities under this act and the investigation procedure.
  - (b) After contact with the child, the department investigator shall meet with the designated school staff person and the child about the response the department will take as a result of contact with the child. The department may also meet with the designated school staff person without the child present and share additional information the investigator determines may be shared subject to the confidentiality provisions of this act.
  - (c) Lack of cooperation by the school does not relieve or prevent the department from proceeding with its responsibilities under this act.
- (10) A child shall not be subjected to a search at a school that requires the child to remove his or her clothing to expose his buttocks or genitalia or her breasts, buttocks, or genitalia unless the department has obtained an order from a court of competent jurisdiction permitting such a search. If the access occurs within a hospital, the investigation shall be conducted so as not to interfere with the medical treatment of the child or other patients.
- (11) The department shall enter each report made under this act that is the subject of a field investigation into the CPSI system. The department shall maintain a report entered on the CPSI system as required by this subsection until the child about whom the investigation is made is 18 years old or until 10 years after the investigation is commenced, whichever is later, or, if the case is classified as a central registry case, until the department receives reliable information that the perpetrator of the abuse or neglect is dead. Unless made public as specified information released under section 7d, a report that is maintained on the CPSI system is confidential and is not subject to the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (12) After completing a field investigation and based on its results, the department shall determine in which single category, prescribed by section 8d, to classify the allegation of child abuse or neglect.
- (13) Except as provided in subsection (14), upon completion of the investigation by the local law enforcement agency or the department, the law enforcement agency or department may inform the person who made the report as to the disposition of the report.
- (14) If the person who made the report is mandated to report under section 3, upon completion of the investigation by the department, the department shall inform the person in writing as to the disposition of the case and shall include in the information at least all of the

following:

- (a) What determination the department made under subsection (12) and the rationale for that decision.
  - (b) Whether legal action was commenced and, if so, the nature of that action.
  - (c) Notification that the information being conveyed is confidential.
- (15) Information sent under subsection (14) shall not include personally identifying information for a person named in a report or record made under this act.
- (16) Unless section 5 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the department, the surrender of a newborn in compliance with chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is not reasonable cause to suspect child abuse or neglect and is not subject to the section 3 reporting requirement. This subsection does not apply to circumstances that arise on or after the date that chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is repealed. This subsection applies to a newborn whose birth is described in the born alive infant protection act and who is considered to be a newborn surrendered under the safe delivery of newborns law as provided in section 3 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.
- (17) All department employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the state and federal constitutional and statutory rights of children and families from the initial contact of an investigation through the time services are provided.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1978, Act 252, Eff. Mar. 30, 1979; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1988, Act 372, Eff. Mar. 30, 1989; --Am. 1997, Act 59, Eff. Oct. 1, 1997; --Am. 1997, Act 166, Eff. Mar. 31, 1998; -- Am. 1998, Act 484, Eff. July 1, 1999. -- Am. 2000, Act 45, Eff. March 27, 2000; --Am. 2000, Act 234, Eff. Jan. 1, 2001; --Am. 2002, Act 690, Eff. Mar. 31, 2003; --Am. 2004, Act 195, Imd. Eff. July 8, 2004; --Am. 2006, Act 256, Imd. Eff. July 6, 2006; --Am. 2006, Act 583 & 630, Eff. Jan. 3, 2007.

**722.628a Execution of notices by prosecuting attorney of individuals bound over to circuit court for certain crimes; notification upon final disposition; confidentiality.**

**Sec. 8a.**

- (1) If an individual is bound over to circuit court for any of the following crimes, the prosecuting attorney shall execute the notices as prescribed by subsections (2) to (5):
- (a) Criminal sexual conduct in the first, second, or third degree

- in violation of Section 520b, 520c, or 520d of the Michigan Penal Code, 1931 PA 328, MCL 750.520B, 750.520C, and 750.520D.
- (b) Assault with intent to commit criminal sexual conduct in violation of Section 520g of the Michigan Penal Code, 1931 PA 328, MCL 750.520G.
  - (c) A felonious attempt or a felonious conspiracy to commit criminal sexual conduct.
  - (d) An assault on a child that is punishable as a felony.
  - (e) Child abuse in the first, second, or third degree, in violation of Section 136b of the Michigan Penal Code, 1931 PA 328, MCL 750.136B.
  - (f) Involvement in child sexually abusive material or child sexually abusive activity in violation of section 145c of the Michigan Penal Code, 1931 PA 328, MCL 750.145C.
- (2) If the individual is an employee of a nonpublic school as defined in Section 5 of the school code, 1976 PA 451, MCL 380.5, the prosecuting attorney shall notify the governing body of the nonpublic school.
  - (3) If the individual is an employee of a school district or intermediate school district, the prosecuting attorney shall notify the superintendent of the school district or intermediate school district.
  - (4) If the individual is an employee of the department who provides a service to children and youth as described in section 115 of the Social Welfare Act, 1939 PA 280, MCL 400.115, the prosecuting attorney shall notify the county director of social services or the superintendent of the training school.
  - (5) If the individual is a child care provider, the prosecuting attorney shall notify the department, the owner or operator of the child care provider organization or adult foster care location authorized to care for a child, and the child care regulatory agency with the authority over that child care organization or adult foster care location authorized to care for a child.
  - (6) Upon final disposition of a criminal matter for which a notice was given under subsections (2) to (5), the prosecuting attorney shall notify each person previously notified under subsections (2) to (5) of that disposition.
  - (7) A person who is notified or otherwise receives information under this section shall keep the information received confidential except so far as disclosure is necessary to take appropriate action in response to the information.

**History:** Add. 1992, Act 39, Eff. Mar. 31, 1993; --Am 2002, Act 661, Eff. Dec. 23, 2002.

**722.628b Referral of case to prosecuting attorney; review.**

**Sec. 8b.**

- (1) If a central registry case involves a child's death, serious physical injury of a child, or sexual abuse or exploitation of a child, the department shall refer the case to the prosecuting attorney for the county in which the child is located. The prosecuting attorney shall review the investigation of the case to determine if the investigation complied with the protocol adopted as required by section 8.
- (2) If a central registry case involves a child's exposure to or contact with methamphetamine production, the department shall refer the case to the prosecuting attorney for the county in which the child is located. The prosecuting attorney shall review the investigation of the case to determine whether the investigation complied with the protocol adopted as required by section 8.

**History:** Add. 1997, Act 168, Eff. Mar. 31, 1998; -- Am. 1999, Act 603, Eff. Jul., 1999; -- Am. 2006, Act 263, Imd. Eff. July 6, 2006.

**722.628c Interview with child.**

**Sec. 8c.**

During an investigation of suspected child abuse or neglect, the child reported to have been abused or neglected shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse.

**History:** Add. 1997, Act 168, Eff. Mar. 31, 1998.

**722.628d Categories and departmental response; listing in child abuse or neglect registry; report to legislature.**

**Sec. 8d.**

- (1) For the department's determination required by section 8, the categories, and the departmental response required for each category, are the following:
  - (a) Category V - services not needed. Following a field investigation, the department determines that there is no evidence of child abuse or neglect.
  - (b) Category IV - community services recommended. Following a field investigation, the department determines that there is not a preponderance of evidence of child abuse or neglect, but the structured decision-making tool indicates that there is future risk of harm to the child. The department shall assist the child's family in voluntarily participating in community-based services commensurate with the risk to the child.
  - (c) Category III - community services needed. The department determines that there is a preponderance of evidence of child abuse or neglect, and the structured decision-making tool

- indicates a low or moderate risk of future harm to the child. The department shall assist the child's family in receiving community-based services commensurate with the risk to the child. If the family does not voluntarily participate in services, or the family voluntarily participates in services, but does not progress toward alleviating the child's risk level, the department shall consider reclassifying the case as category II.
- (d) Category II - child protective services required. The department determines that there is evidence of child abuse or neglect, and the structured decision-making tool indicates a high or intensive risk of future harm to the child. The department shall open a protective services case and provide the services necessary under this act. The department shall also list the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, on the central registry, either by name or as "unknown" if the perpetrator has not been identified.
  - (e) Category I - court petition required. The department determines that there is evidence of child abuse or neglect and 1 or more of the following are true:
    - (i) A court petition is required under another provision of this act.
    - (ii) The child is not safe and a petition for removal is needed.
    - (iii) The department previously classified the case as category II and the child's family does not voluntarily participate in services.
    - (iv) There is a violation, involving the child, of a crime listed or described in section 8a(1)(b), (c), (d), or (f) or of child abuse in the first or second degree as prescribed by section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.
- (2) In response to a category I classification, the department shall do all of the following:
- (a) If a court petition is not required under another provision of this act, submit a petition for authorization by the court under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.
  - (b) Open a protective services case and provide the services necessary under this act.
  - (c) List the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, on the central registry, either by name or as "unknown" if the perpetrator

has not been identified.

- (3) The department is not required to use the structured decision-making tool for a nonparent adult who resides outside the child's home who is the victim or alleged victim of child abuse or neglect or for an owner, operator, volunteer, or employee of a licensed or registered child care organization or a licensed or unlicensed adult foster care family home or adult foster care small group home as those terms are defined in Section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.
- (4) If following a field investigation the department determines that there is a preponderance of evidence that an individual listed in subsection (3) was the perpetrator of child abuse or neglect, the department shall list the perpetrator of the child abuse or neglect on the central registry.
- (5) The department shall furnish a written report described in subsection (6) to the appropriate legislative standing committees and the house and senate appropriation subcommittees for the department within 4 months after each of the following time periods:
  - (a) Beginning October 1, 2005 and ending September 30, 2006.
  - (b) Beginning October 1, 2006 and ending September 30, 2007.
  - (c) Beginning October 1, 2007 and ending September 30, 2008.
- (6) The department shall include in a report required by subsection (5) at least all of the following information regarding all families that were classified in category III at some time during the time period covered by the report:
  - (a) The total number of families classified in category III.
  - (b) The number of cases in category III closed or reclassified during the time period covered by the report categorized as follows:
    - (i) The number of cases referred to voluntary community services and closed with no additional monitoring.
    - (ii) The number of cases referred to voluntary community services and monitored for up to 90 days.
    - (iii) The number of cases for which the department entered more than 1 determination that there was evidence of child abuse or neglect.
    - (iv) The number of cases that the department reclassified from category III to category II.
    - (v) The number of cases that the department reclassified from category III to category I.
    - (vi) The number of cases that the department reclassified from category III to category I that resulted in a removal.
  - (c) For the periods described in subsection (5)(b) and (c), the number of cases that the department reclassified in each of subparagraphs (iv), (v) of subdivision (b) that were referred to and provided voluntary community services before being

reclassified by the department.

- (d) The number the department reclassified from category III to category II.

**History:** Add. 1998, Act 484, Eff. July 1, 1999; --Am. 2000, Act 45, Eff. March 27, 2000; --Am 2002, Act 661, Eff. Dec. 23, 2002; --Am. 2006, Act 618, Imd. Eff. Jan. 3, 2007.

**722.629 Multidisciplinary services; biennial report; continuing education programs; dissemination of information.**

**Sec. 9.**

- (1) The department, in discharging its responsibilities under this act, shall provide, directly or through the purchase of services from other agencies and professions, multidisciplinary services such as those of a pediatrician, psychologist, psychiatrist, public health nurse, social worker, or attorney through the establishment of regionally based or strategically located teams. The department shall prepare a biennial report to the legislature containing information on the activities of the teams created pursuant to this subsection and including recommendations by the teams and the department regarding child abuse and neglect when committed by persons responsible for the child's health or welfare.
- (2) The department shall assure a continuing education program for department, probate court, and private agency personnel. The program shall include responsibilities, obligations, and powers under this act and the diagnosis and treatment of child abuse and neglect when committed by persons responsible for the child's health or welfare.
- (3) The department shall provide for the dissemination of information to the general public with respect to the problem of child abuse and neglect in this state and the facilities, prevention, and treatment methods available to combat child abuse and neglect when committed by persons responsible for the child's health or welfare.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1988, Act 372, Eff. Mar. 30, 1989.

**722.629a Annual Report.**

**Sec. 9a.**

The agency within the department that is responsible for administering and providing services under this act shall make an annual comprehensive report to the legislature that includes at least all of the following:

- (a) Statistical information including at least all of the following:
  - (i) Total reports of abuse and neglect investigated under this act and the number that were substantiated and unsubstantiated.

- (ii) Characteristics of perpetrators of abuse and neglect and the child victims such as age, sex, relationship, socioeconomic status, race, and ethnicity.
  - (iii) The occupation or description listed under section 3 in which the individual who made the report fits, or other description if the individual is not within a group required to report under this act.
  - (iv) Statistics relating to the central registry such as number of individuals and their characteristics.
  - (v) Statistics relating to the basis for determining that reported cases of abuse or neglect are unsubstantiated.
- (b) Policy related to child protective services including, but not limited to, major policy changes and court decisions affecting the administration of this act.

**History:** Add. 1998, Act 428, Eff. Apr. 1, 1999.

#### **722.630 Legal counsel.**

##### **Sec. 10.**

In each case filed under this act in which judicial proceedings are necessary, the court shall appoint a lawyer-guardian ad litem to represent the child. A lawyer-guardian ad litem represents the child and has powers and duties in relation to that representation as set forth in section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem appointed under this act.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; -- Am 1998, Act 483, Eff. Mar. 1, 1999.

#### **722.631 Privileged communications.**

##### **Sec. 11.**

Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil child protective proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect under section 3 if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under section 3.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am 2002, Act 693, Eff. March 1, 2003.

**Cited in other sections:** Section 722.631 is cited in §600.2157a.

**722.632 Report to law enforcement officials or probate court.**

**Sec. 12.**

This act shall not prohibit a person who has reasonable cause to suspect child abuse or neglect from making a report to the appropriate law enforcement officials or probate court.

**History:** 1975, Act 238, Eff. Oct. 1, 1975.

**722.632a Investigations by hospital, school, or other agency.**

**Sec. 12a.**

This act does not preclude or hinder a hospital, school, or other agency from investigating reported claims of child abuse or neglect by its employees or from taking disciplinary action based upon that investigation against its employees.

**History:** Add. 1988, Act 372, Eff. Mar. 30, 1989.

**722.633 Failure to report suspected child abuse or neglect; damages; violation as misdemeanor; unauthorized dissemination of information as misdemeanor; civil liability; maintaining report or record required to be expunged as misdemeanor; false report of child abuse or neglect.**

**Sec. 13.**

- (1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.
- (2) A person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
- (3) Except as provided in section 7, a person who disseminates, or who permits or encourages the dissemination of, information contained in the central registry and in reports and records as provided in this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and is civilly liable for the damages proximately caused by the dissemination.
- (4) A person who willfully maintains a report or record required to be expunged under section 7 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- (5) 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 or a fine of not more than \$100.00, or both.

(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 or a fine of not more than \$2,000.00, or both.

**History:** 1975, Act 238, Eff. Oct. 1, 1975; --Am. 1978, Act 252, Eff. Mar. 30, 1979; --Am. 1984, Act 418, Eff. Mar. 29, 1985; --Am. 1988, Act 372, Eff. Mar. 30, 1989; --Am. 1993, Act 56, Imd. Eff. June 9, 1993; --Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994; --Am. 1996, Act 309, Eff. Jan. 1, 1997; --Am. 2002, Act 14, Eff. Feb. 19, 2002.

#### **722.634 Religious beliefs.**

##### **Sec. 14.**

A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by state law to a child where the child's health requires it nor does it abrogate the responsibility of a person required to report child abuse or neglect.

**History:** 1975, Act 238, Eff. Oct. 1, 1975.

#### **722.635 Repeal of §§722.571 to 722.575.**

##### **Sec. 15.**

Act No. 98 of the Public Acts of 1964, being sections 722.571 to 722.575 of the Compiled Laws of 1970, is repealed.

**History:** 1975, Act 238, Eff. Oct. 1, 1975.

#### **722.636 Effective date.**

##### **Sec. 16.**

This act shall take effect October 1, 1975.

**History:** 1975, Act 238, Eff. Oct. 1, 1975.

#### **722.637 Submission of petition for authorization under § 712A.2; exception.**

##### **Sec. 17.**

Except as provided in subsection (2), within 24 hours after the department determines that a child was severely physically injured as defined in section 8 or sexually abused, or allowing a child to be exposed to or to have contact with methamphetamine production, the department shall submit a

petition for authorization by the court under section 2(b) of chapter XIA of 1939 PA 288, MCL 712A.2.

- (2) The department is not required to file a petition for authorization by the court as described in subsection (1) if the department determines that the parent or legal guardian is not a suspected perpetrator of the abuse and the department determines that all of the following apply:
- (a) The parent or legal guardian did not neglect or fail to protect the child.
  - (b) The parent or legal guardian does not have a historical record that shows a documented pattern of neglect or failing to protect the child.
  - (c) The child is safe in the parent's or legal guardian's care.

**History:** Add. 1997, Act 168, Eff. Mar. 31, 1998; --Am. 2006, Act 256, Imd. Eff. July 6, 2006; --Am. 2006, Act 630, Imd. Eff. Jan. 3, 2007.

**722.638 Submission of petition for authorization under § 712A.2; conditions; request for termination of parental rights; conference.**

**Sec. 18.**

- (1) The department shall submit a petition for authorization by the court under section 2(b) of chapter XIA of 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:
- (a) The department determines that a parent, guardian, or custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included 1 or more of the following:
    - (i) Abandonment of a young child.
    - (ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
    - (iii) Battering, torture, or other severe physical abuse.
    - (iv) Loss or serious impairment of an organ or limb.
    - (v) Life threatening injury.
    - (vi) Murder or attempted murder.
  - (b) The department determines that there is risk of harm to the child and either of the following is true:
    - (i) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of chapter XIA of 1939 PA 288, MCL 712A.2, or a similar law of another state.
    - (ii) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of chapter XIA of 1939 PA 288, MCL 712A.2, or a similar law of another state.
- (2) In a petition submitted as required by subsection (1), if a parent

is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk, the family independence agency shall include a request for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIA of 1939 PA 288, MCL 712A.19b.

- (3) If the department is considering petitioning for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIA of 1939 PA 288, MCL 712A.19b, even though the facts of the child's case do not require departmental action under subsection (1), the department shall hold a conference among the appropriate agency personnel to agree upon the course of action. The department shall notify the attorney representing the child of the time and place of the conference, and the attorney may attend. If an agreement is not reached at this conference, the department director or the director's designee shall resolve the disagreement after consulting the attorneys representing both the department and the child.

**History:** Add. 1997, Act 168, Eff. Mar. 31, 1998; --Am. 1998, Act 383, Eff. Mar. 23, 1999; -- Am. 1998, Act 428, Imd. Eff. Dec. 30, 1998

Quantity: 50,000  
Cost: \$14,900.78 (.30 ea.)  
Authority: DHS Director

Department of Human Services (DHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

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## TAX SHELTERED ACCOUNT CARRIERS

By contractual agreement, the Bloomfield Hills School District offers employees the opportunity to participate in a Tax Sheltered Annuity (TSA) program, whereby your pay can be reduced by a deduction amount you elect, and this amount will be free from federal and state income taxes until it is withdrawn by you at a future date.

There are annual **calendar** year limitations for the maximum amount of TSA you may elect before you incur taxable income and possibly penalties. Please discuss any limitations to which you may be subject with the TSA carrier representative.

The technicalities of the TSA program and the performance of the 7 carriers we offer depends largely on your personal financial circumstances and your view of the companies. The carriers offer somewhat the same programs, but their current performance with your funds varies, which is why they are reluctant to distribute brochures or other information about their company without the opportunity to discuss them with you personally.

Accordingly, it has been our practice to provide our employees with the names of our seven carriers and their agents so you can review and evaluate their programs with them privately.

COMPANY	AGENT	TELEPHONE
Consolidated Financial Corporation (403b, 457 plans)	Al Bernstein Michael Bressler Andrew Harr Milton O'Quinn	(800) 232-2383
AXA Equitable (403b plan)	Paulette Cushnier	(248) 641-2636
Eschels/Pro Equities (403b plan)	Randy Eschels John O'Brien	(800) 969-9990 (586) 246-5473
Fidelity Investments Tax Exempt Services Company (403b plan)	Fidelity Direct (Self directed)	(800) 343-0860 <a href="http://www.fidelity.com/atwork">www.fidelity.com/atwork</a>
GLP & Associates (403b, 457 plans)	Gary Alpert Steven Levine Scott Leshman Leslie Persin	(248) 489-0101 (248) 865-0160
Paradigm Equities, Inc. (403b plans) (MEA Financial Services)	James Boreland Damon Wilson	(248) 851-7585 (800) 292-1950
Variable Annuity Life Insurance Company (VALIC) (403b plans)	Eric Wolf David Vera	(248) 754-1105 (248) 953-6727

If you have any questions regarding the TSA program, please contact the Payroll Department at **5435** (248-341-5435).  
Revised 03 05 13

**BLOOMFIELD HILLS SCHOOLS  
TAX SHELTERED ANNUITY OR CUSTODIAL ACCOUNT PURCHASE  
AGREEMENT (COMPENSATION REDUCTION AGREEMENT)**

In order to make contributions to a tax sheltered annuity contract or custodial account pursuant to the terms of Section 403 of the Internal Revenue Code of 1986, as amended, (hereinafter "the Code") it is hereby agreed by and between \_\_\_\_\_ (Employee) and the Bloomfield Hills Schools (Employer), as follows:

1. Beginning \_\_\_\_\_, the compensation to be paid by the Employer to the Employee shall be reduced in the following manner:

Regular Salary:

\$\_\_\_\_\_ per pay period;

\$\_\_\_\_\_ percent (%) of pay;

\$\_\_\_\_\_ lump sum for payroll dated: \_\_\_\_\_

Total Annual Compensation Reduction      \$\_\_\_\_\_

The Employee hereby designates the following Annuity Contract Sales Agency or Custodial Account Representative as a third party beneficiary of this Agreement.

**(Please check only one company per agreement)**

- |   |   |
|---|---|
| <input type="checkbox"/> Consolidated Financial Corporation (863) | <input type="checkbox"/> AXA Equitable (867)                |
| <input type="checkbox"/> Pro Equities (869)                       | <input type="checkbox"/> Fidelity (862) <b>Acct #</b> _____ |
| <input type="checkbox"/> GLP and Associates (870)                 | <input type="checkbox"/> Variable Annuity (VALIC) (866)     |
| <input type="checkbox"/> Paradigm Equities (MEA Financial) (868)  |   |

2. NOTWITHSTANDING PARAGRAPH 1 ABOVE, THE EMPLOYER ASSUMES NO RESPONSIBILITY FOR AND MAKES NO REPRESENTATION CONCERNING TREATMENT FOR FEDERAL, STATE OR LOCAL TAX PURPOSES OF AMOUNTS PAID FOR AND/OR RECEIVED UNDER ANY ANNUITY CONTRACT OR CUSTODIAL ACCOUNT PURCHASED UNDER THIS AGREEMENT. THE RESPONSIBILITY FOR COMPLYING WITH APPLICABLE STATUTORY AND PLAN REQUIREMENTS IS WITH THE ANNUITY CONTRACT SALES AGENCY OR CUSTODIAL ACCOUNT REPRESENTATIVE SELECTED BY THE EMPLOYEE TO PROVIDE AN ANNUITY CONTRACT OR CUSTODIAL ACCOUNT TO WHICH DEFERRALS WILL BE MADE UNDER THIS AGREEMENT. THE ANNUITY CONTRACT SALES AGENCY OR CUSTODIAL ACCOUNT REPRESENTATIVE WILL ASSIST THE EMPLOYEE WITH MEETING APPLICABLE REQUIREMENTS SPECIFIED IN PARAGRAPHS 4 AND 10 BASED ON THE INFORMATION SUPPLIED BY THE EMPLOYEE. IF THE EMPLOYEE HAS MORE THAN ONE ARRANGEMENT TO MAKE COMPENSATION REDUCTION AGREEMENT CONTRIBUTIONS TO AN ANNUITY CONTRACT AND/OR CUSTODIAL ACCOUNT, THE EMPLOYEE AGREES TO DISCLOSE AND INFORM EACH AFFECTED ANNUITY CONTRACT SALES AGENCY AND CUSTODIAL ACCOUNT REPRESENTATIVE OF ALL OF THE RELEVANT INFORMATION. IF THE EMPLOYEE MAKES CONTRIBUTIONS DIRECTLY TO A CUSTODIAL ACCOUNT WITHOUT THE ASSISTANCE OF A CUSTODIAL ACCOUNT REPRESENTATIVE, THEN THE EMPLOYEE AGREES TO RETAIN A QUALIFIED TAX PROFESSIONAL TO ASSIST THE EMPLOYEE IN COMPLYING WITH THIS AGREEMENT. AN EMPLOYEE WHO MAKES CONTRIBUTIONS DIRECTLY TO A CUSTODIAL ACCOUNT WITHOUT THE ASSISTANCE OF A CUSTODIAL ACCOUNT REPRESENTATIVE SHALL COMPLY WITH ALL OF THE DUTIES ASSIGNED TO THE CUSTODIAL ACCOUNT REPRESENTATIVE UNDER THIS AGREEMENT.

3. Notwithstanding paragraph 1 above, the Employer shall not be obligated to pay any amount to any insurance company, Annuity Contract Sales Agency, Custodial Account Representative or custodial account if the amount then due from said Employer to the Employee is less than the dollar amount of compensation reduction set forth in Paragraph 1, nor shall the Employer incur any responsibility or obligation to the Employee with respect to any annuity contract or custodial account purchased or contributed to pursuant to this Agreement other than responsibility for the transmission of funds resulting from the reduction of compensation provided for herein for the purchase of or contribution to such annuity contract or custodial account.

4. Notwithstanding paragraph 1 above, no Agreement will be accepted by the Employer unless the Annuity Contract Sales Agency or Custodial Account Representative prepares and delivers sufficient documentation (in the form approved by the Employer) to the Employer which demonstrates that the Employee is entitled to the compensation reduction (elective deferral) amount set forth in this Agreement pursuant to the provisions of Code Section 402(g) and that the total amount of contributions (including employer contributions and elective deferrals) will not cause the Code Section 415 annual addition limitations to be exceeded. The

demonstration must take into account all 403(b) plans, 401(k) plans, SEPs described in Code Section 402(b)(1)(B) and SIMPLE retirement accounts described in Code Section 408(p)(2)(A)(i). The demonstrations may take into account any special elections available to the Employee under Code Section 414(v), if applicable. Such Code §414(v) “catch-up” deferrals may be made only after any available “catch-up” deferral under Code §402(g)(7) is exhausted. If the Employee participates in any plan which permits Roth deferrals, the demonstrations must also take into account the requirements of Code §§402(g), 402A and 415(c) applicable to such deferrals. Under this Agreement, excess deferrals are prohibited. The Employee agrees that in the event that excess deferrals are made, excess deferrals and income shall be returned in the manner provided in Code Section 402(g) (or corresponding provision of future tax law). All distributions shall comply with the provisions of Treas. Reg. §1.402(g)-1(e)(2) or (3) (which provisions are hereby incorporated by reference). Excess deferrals and earnings under this Agreement which are attributable only to this Employer, shall be automatically returned to the Employee by the Annuity Contract or Custodial Account. The Employee shall designate amounts as excess deferrals which are attributable to multiple employers and/or multiple contracts.

5. No after-tax contributions will be allowed or accepted.

6. This Agreement applies only to the amounts currently available to the Employee after the effective date of the Agreement, and is legally binding and irrevocable with respect to amounts earned while the Agreement is in effect.

7. Subject to the provisions of paragraph 6 above, this Agreement shall continue to be effective for this calendar year and each subsequent calendar year until a new Agreement is executed or this Agreement is modified (subject to the provisions of paragraph 6 above) or terminated. However, the Employer may limit, reduce or terminate contributions only as required to comply with Internal Revenue Code limitations.

8. The Employee retains the right to terminate the Agreement in its entirety for amounts not currently available by filing a written statement with the Employer which states that the Agreement shall be terminated.

9. Other terms and conditions of employment between the Employee and the Employer shall not be affected by this Agreement and in the event of any conflict, the terms of an Employee's contract of employment shall prevail.

10. In a separate agreement, the Annuity Contract Sales Agency or Custodial Account Representative has agreed to assist the Employee by preparing and supplying the Employee and the Employer with sufficient written demonstrations that the total amounts contributed to the Employee's tax sheltered annuit(ies) will not exceed the limitations set forth in Code Sections 402(g) and 415 (or corresponding provisions of future tax laws). Copies of such demonstrations shall be filed with the Employer. The demonstrations may take into account any special elections available to the Employee under Code Section 414(v).

11. For purposes of Code Sections 414(v) and 415, Compensation means the amount of remuneration earned by an Employee from the Employer during the most recent period of service which is includible in the Participant's gross income. Only remuneration which is earned by a Participant from the Employer during the period which precedes the taxable year by no more than five years shall be considered as "Compensation". Compensation shall not include employer-paid contributions. Compensation for 415 purposes and Compensation of Code Section 403(b) purposes shall also include elective deferrals and amounts contributed or deferred by the Employer at the election of the Employee which are not includible in the gross income of the Employee by reason of Code Sections 132(f)(4), 125 or 457. Compensation shall be limited for all purposes under the Plan by the compensation limit set forth in Code Section 401(a)(17). The compensation limit is \$200,000, as adjusted by the Commissioner for cost of living increases as reflected in Code Section 401(a)(17).

12. The Bloomfield Hills Schools Tax-Sheltered Annuity Plan (Master Document) and this Tax Sheltered Annuity or Custodial Account Purchase Agreement, the annuity contract or custodial account, any Agreement Between Bloomfield Hills Schools and the Annuity Contract Sales Agency or Custodial Account Representative, and any relevant collective bargaining agreements, shall together constitute the applicable plan documents for the Bloomfield Hills Schools Tax-Sheltered Annuity Plan. To the extent that any provision in a document is inconsistent with the Bloomfield Hills Schools Tax-Sheltered Annuity Plan (Master Document), the provisions of the Master Document are controlling.

13. The ability to make compensation reduction agreement contributions (elective deferrals) under this Agreement is available to all employees of the Bloomfield Hills Schools except for nonresident aliens and students performing services described in Code Section 3121(b)(10).. All eligible employees may participate as soon as administratively feasible after completion and filing of this Agreement and other applicable enrollment forms. All elective deferrals shall be one hundred (100%) percent vested.

14. Any annuity contract used as a funding vehicle hereunder must be nontransferable as provided in Code Section 401(g). Any custodial account used as a funding vehicle hereunder must meet the applicable requirements of Code Section 401(f)(2) and 403(b) and must provide for investment only in regulated investment company stock. The Employer reserves the right to limit funding vehicles. On and after September 25, 2007, an investment with an annuity company or custodial account sponsor under the Plan may not be exchanged for an investment with any annuity company or custodial account sponsor which is not authorized by the Employer to receive investments under the Plan.

15. Any annuity contract or custodial account used as a funding vehicle hereunder which is issued on or after September 24, 2007 may not use incidental life insurance contracts as a funding vehicle. Any annuity contract or custodial account used as a funding vehicle shall make distributions which meet the requirements of Code Section 401(a)(9) and the regulations issued thereunder. These distribution requirements shall override any distribution option in an annuity contract or custodial account which is inconsistent with Code Section 401(a)(9).

16. To the extent permitted under Section 403(b)(13) of the Code, a Participant may request a trustee-to-trustee transfer from his/her Account to a governmental defined benefit pension plan for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under such plan, or for the purpose of a repayment to which Section 415 of the Code does not apply by reason of subsection (k)(3) thereof.

17. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a "Distributee's" election under this Plan, a "Distributee" may elect, at the time and in the manner prescribed by the Employer and Annuity Contract or Custodial Account, to have any portion of an "Eligible Rollover Distribution" paid directly to an "Eligible Retirement Plan" specified by the "Distributee" in a "Direct Rollover."

For purposes of this Section,

- (a) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: a hardship distribution, any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated Beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).
- (b) "Eligible Retirement Plan" is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, or another 403(b) annuity plan that accepts the Distributee's Eligible Rollover Distribution. "Eligible Retirement Plan" shall also include (i) a qualified plan described in Section 401(a) of the Code; (ii) an individual retirement account to the extent permitted under section 408(d)(3)(A) of the Code, and (iii) an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan.
- (c) "Distributee" includes an Employee or former Employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. A distributee may also include a beneficiary who, at the time of death of the Employee or former Employee, was neither the

spouse of the Employee/former Employee nor an alternate payee of the Employee/former Employee under a domestic relations order.

- (d) "Direct Rollover" is a payment by the plan to the eligible retirement plan specified by the distributee.

18. An Employee may receive distributions from his or her account held by an annuity contract or custodial account only as permitted by applicable laws. Except as specifically modified hereunder, an Employee, or if applicable a designated beneficiary, is only eligible to receive distribution from this Plan upon death, Total Disability as defined in Code Section 72(m)(7), separation from service with the Employer, attainment of age fifty-nine and one-half (59½) or upon meeting the hardship distribution requirements which are specified in the Plan. Early distribution penalties will apply to distributions due to separation from service prior to age fifty-nine and one-half (59½). Notwithstanding the foregoing, as to distributions from annuity contracts issued before January 1, 2009, a Participant may withdraw, with an early distribution penalty, any Employer contributions (which are not elective deferrals) plus earnings attributable thereto from any annuity contract which is a funding vehicle under this Plan. Such employer contributions, plus earnings, may be distributed from an annuity contract issued on or after January 1, 2009 only upon Severance From Employment, Total Disability, death or the attainment of age 55. Further, a Participant may withdraw, with an early distribution penalty, any elective deferrals and earnings attributable thereto, which were made prior to 1989 from any annuity contract which is a funding vehicle under this plan. Any such distributions shall be subject to the distribution restrictions of the affected Employee's annuity contract. In no event may any withdrawal be made from a custodial account under this Plan before the Employee attains age fifty-nine and one-half (59½), severs from employment, dies or becomes Totally Disabled except that a withdrawal for hardship as defined in the Master Document may be made from the employee's elective deferrals. A hardship distribution shall not include any income attributable to elective deferrals. Distribution from the Plan to an eligible Employee or Beneficiary shall only be made after completion and return of the necessary benefit distribution forms to the appropriate fund sponsor.

19. All loans from an annuity contract or custodial account shall comply with the requirements of Code Section 72(p) including those requirements relating to loan amounts, repayment provisions, amortization and plan aggregation.

20. As required by the final regulations under Code §403(b), the Participant shall provide such information as may reasonably be required by the Employer or its agent for the administration of the Plan, including, but not limited to, information concerning any plan loans, hardship distributions or other distributions received or requested by the employee from any annuity contract or custodial account under the Plan.

EMPLOYEE:

Dated: \_\_\_\_\_

EMPLOYER:  
BLOOMFIELD HILLS SCHOOLS

Dated: \_\_\_\_\_ By: \_\_\_\_\_

Its: \_\_\_\_\_

**BLOOMFIELD HILLS SCHOOLS**  
**§457(b) ELIGIBLE DEFERRED COMPENSATION PLAN**  
**PARTICIPATION AGREEMENT**

In order to make deferrals from my Compensation to the trust or custodial account designated below pursuant to the Bloomfield Hills Schools §457 Eligible Deferred Compensation Plan (hereinafter "the Plan") and Section 457(b) of the Internal Revenue Code of 1986, as amended, (hereinafter "the Code") it is hereby agreed by and among \_\_\_\_\_ (Employee) and \_\_\_\_\_ (Employer) and \_\_\_\_\_ (Investment Representative), as follows:

1. Beginning \_\_\_\_\_, the compensation to be paid by the Employer to the Employee shall be reduced in the following manner:

Amount of Payroll Deferral: \$ \_\_\_\_\_ dollars per pay period, to be paid to the following investment provider designated below:

Number of pay periods in which deferral to be made: \_\_\_\_\_

Total number of Code Section 457(b) investment providers currently utilized by Employee under the Plan: \_\_\_\_\_

2. Notwithstanding Paragraph 1 above, the Employer assumes no responsibility for and makes no representation concerning treatment for federal, state or local tax purposes of amounts paid for and/or received under any investment contract to which deferrals from Compensation are made under this Agreement. The responsibility for complying with applicable statutory and plan requirements is with the Employee and the Investment Representative. The Investment Representative will assist the Employee with meeting applicable requirements by preparing the calculations specified in paragraphs 4 and 10 based on the information supplied by the Employee. If the Employee has more than one arrangement to make deferrals from his/her compensation to an investment provider under the Plan, the Employee agrees to disclose and inform each affected Investment Representative of all of the relevant information. If the Employee makes contributions directly to a trust or custodial account without the assistance of a custodial account representative, then the employee agrees to retain a qualified tax professional to assist employee in complying with this Agreement. An Employee who makes contributions directly to a trust or custodial account without the assistance of an Investment Representative shall have the duty to comply with all of the duties assigned to the Investment Representative under this Agreement.

3. Notwithstanding paragraph 1 above, the Employer shall not be obligated to pay any amount to any Investment Representative in excess of any amount then due from said Employer to the Employee, nor shall the Employer incur any responsibility or obligation to the Employee with respect to any amounts contributed pursuant to this Agreement other than responsibility for the transmission of funds resulting from the reduction of compensation provided for herein for the purchase of or contribution to such investment.

4. Notwithstanding paragraph 1 above, no Agreement will be accepted by the Employer unless the Investment Representative prepares and delivers a written calculation (in the form approved by the Employer) to the Employer which demonstrates that the Employee is entitled to the compensation reduction (elective deferral) amount set forth in this Agreement pursuant to the provisions of Code Section 457 and, that except as permitted under Code Section 414(v), the total amount of deferrals from Compensation to the Plan will not cause the Code Section 457 limitations to be exceeded. The calculation must take into account all Code Section 457(b)(3) investment providers to which the Employee has deferred Compensation under the Plan. The demonstrations may take into account any special elections available to the Employee under Code Section 414(v) if applicable. Under this Agreement, subject to the provisions of Code Section 414(v), excess deferrals are prohibited. Excess deferrals and earnings under this Agreement which are attributable only to this Employer, shall be automatically returned to the Employee by the investment provider. The Employee shall designate amounts as excess deferrals which are attributable to multiple contracts.

5. No after-tax contributions, transfers or rollovers from other qualified plans will be allowed or accepted.

6. Compensation may be deferred under this Agreement for any calendar month only if the Agreement providing for such deferral has been entered into before the beginning of such month. This Agreement is legally binding and irrevocable with respect to amounts earned while the Agreement is in effect.

7. Subject to the provisions of paragraph 6 above, this Agreement shall continue to be effective for this calendar year and each subsequent calendar year until a new Agreement is executed or this Agreement is modified (subject to the provisions of paragraph 6 above) or terminated.

8. The Employee retains the right to terminate the Agreement in its entirety for amounts not yet earned by filing a written statement with the Employer which states that the Agreement shall be terminated.

9. Other terms and conditions of employment between the Employee and the Employer shall not be affected by this Agreement and in the event of any conflict, the terms of an Employee's contract of employment shall prevail.

10. The Investment Representative agrees to assist the Employee by preparing and supplying the Employee and the Employer with written annual calculations demonstrating that the total amounts contributed to the Employee's investments under the Plan will not exceed the limitations set forth in Code Sections 457 (or corresponding provisions of future tax laws). Copies of such calculations shall be filed with the Employer. The demonstrations may take into account any special elections available to the Employee under Code Section 414(v).

11. The Bloomfield Hills Schools §457(b) Eligible Deferred Compensation Plan and this Participation Agreement, the Authorized Investment Representative Agreement, shall together constitute the applicable plan documents for the Bloomfield Hills Schools §457 Eligible Deferred Compensation Plan. To the extent that any provision in a document is inconsistent with the Bloomfield Hills Schools §457(b) Eligible Deferred Compensation Plan, the provisions of the Bloomfield Hills Schools §457(b) Eligible Deferred Compensation Plan are controlling.

12. The ability to make compensation reduction agreement contributions (elective deferrals) under this Agreement is available to all employees of the Bloomfield Hills Schools as defined in the Bloomfield Hills Schools §457(b) Eligible Deferred Compensation Plan. All eligible employees shall participate commencing with the month following the month after completion and filing of this Agreement and other applicable enrollment forms.

13. Any investment as a funding vehicle hereunder must be a trust or custodial account and must meet the requirements of Code Section 457(g). Any investment used as a funding vehicle shall make distributions which meet the requirements of Code Section 401(a)(9) and the regulations and proposed regulations issued thereunder. These distribution requirements shall override any distribution option in an investment which is inconsistent with Code Section 401(a)(9).

14. To the extent permitted under Section 457(e)(17) of the Code, a Participant may request a trustee-to-trustee transfer from his/her trust or custodial account under the Plan to a governmental defined benefit pension plan for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under such plan, or for the purpose of a repayment to which Section 415 of the Code does not apply by reason of subsection (k)(3) thereof.

15. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a "Distributee's" election under this Plan, a "Distributee" may elect, at the

time and in the manner prescribed by the Employer and investment, to have any portion of an "Eligible Rollover Distribution" paid directly to an "Eligible Retirement Plan" specified by the "Distributee" in a "Direct Rollover".

For purposes of this Section,

- (a) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: a hardship distribution, any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated Beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).
- (b) "Eligible Retirement Plan" is an individual retirement account described in Section 408(a) of the Code, or an individual retirement annuity described in Section 408(b) of the Code plan that accepts the Distributee's Eligible Rollover Distribution. "Eligible Retirement Plan" shall also include (i) an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or political subdivision of a state, or (ii) a qualified plan described in Section 401(a) of the Code or 403(b) annuity plan which agrees to separately account for amounts transferred into such plan from this Plan. The Employer shall not be responsible for the effect upon taxation and distribution options resulting from a rollover from the Plan to an Eligible Retirement Plan.
- (c) "Distributee" includes an Employee or former Employee. In addition, the employee's former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.
- (d) "Direct Rollover" is a payment by the plan to the eligible retirement plan specified by the distributee.

16. An Employee may receive distributions from his or her trust or custodial account only as permitted by applicable laws. Except as specifically modified hereunder, an Employee, or if applicable a designated beneficiary, is only eligible to receive distribution from this Plan upon severance from employment with the Employer, the calendar year in which the Employee attains age seventy and one half (70 ½) or upon meeting the requirements for distribution in an unforeseeable emergency which are specified in the Plan. Notwithstanding the foregoing, a Participant may withdraw assets which do not exceed the dollar limit provided under Code Section 411(a)(11)(A), provided that (1) no amount has been deferred under the plan with respect to such Employee during the 2-year period ending on the date of the distribution, and (2) there has been no prior distribution under the plan to such participant to which this subparagraph applied.. Any such distributions shall be subject to the distribution restrictions of the affected Employee's trust or custodial account. Distribution from the Plan to an eligible Employee or Beneficiary shall only be made after completion and return of the necessary benefit distribution forms to the appropriate Investment Representative(s).

EMPLOYER:  
Bloomfield Hills Schools

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Its: \_\_\_\_\_

EMPLOYEE:

Dated: \_\_\_\_\_

\_\_\_\_\_

INVESTMENT REPRESENTATIVE

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Its: \_\_\_\_\_

Representing: \_\_\_\_\_

\_\_\_\_\_  
Investment Provider