



HOUSE BILL No. 5743

May 4, 2000, Introduced by Reps. Kukuk, Scranton, Hart, Birkholz, Julian, Tabor, Mead, Kowall, Pumford, Vander Roest, Van Woerkom, Howell, DeRossett, Caul, Jelinek, Richardville, Faunce, Bishop, Pappageorge, DeWeese, Geiger, Rick Johnson, Richner, Voorhees, Rocca, Ruth Johnson, Jansen and Hager and referred to the Committee on Family and Children Services.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7 (MCL 722.627), as amended by 1998 PA 485.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The department shall maintain a statewide,
2 electronic central registry to carry out the intent of this act.

3 (2) Unless made public as specified information released
4 under section 7d, a written report, document, or photograph filed
5 with the department as provided in this act is a confidential
6 record available only to 1 or more of the following:

7 (a) A legally mandated public or private child protective
8 agency investigating a report of known or suspected child abuse
9 or neglect.

10 (b) A police or other law enforcement agency investigating a
11 report of known or suspected child abuse or neglect.

1 (c) A physician who is treating a child whom the physician
2 reasonably suspects may be abused or neglected.

3 (d) A person legally authorized to place a child in protec-
4 tive custody when the person is confronted with a child whom the
5 person reasonably suspects may be abused or neglected and the
6 confidential record is necessary to determine whether to place
7 the child in protective custody.

8 (e) A person, agency, or organization, including a multidis-
9 ciplinary case consultation team, authorized to diagnose, care
10 for, treat, or supervise a child or family who is the subject of
11 a report or record under this act, or who is responsible for the
12 child's health or welfare.

13 (f) A person named in the report or record as a perpetrator
14 or alleged perpetrator of the child abuse or neglect or a victim
15 who is an adult at the time of the request, if the identity of
16 the reporting person is protected as provided in section 5.

17 (g) A court that determines the information is necessary to
18 decide an issue before the court.

19 (h) A grand jury that determines the information is neces-
20 sary in the conduct of the grand jury's official business.

21 (i) A person, agency, or organization engaged in a bona fide
22 research or evaluation project. The person, agency, or organiza-
23 tion shall not release information identifying a person named in
24 the report or record unless that person's written consent is
25 obtained. The person, agency, or organization shall not conduct
26 a personal interview with a family without the family's prior
27 consent and shall not disclose information that would identify

1 the child or the child's family or other identifying
2 information. The department director may authorize the release
3 of information to a person, agency, or organization described in
4 this subdivision if the release contributes to the purposes of
5 this act and the person, agency, or organization has appropriate
6 controls to maintain the confidentiality of personally identify-
7 ing information for a person named in a report or record made
8 under this act.

9 (j) A lawyer-guardian ad litem or other attorney appointed
10 as provided by section 10.

11 (k) A child placing agency licensed under 1973 PA 116, MCL
12 722.111 to 722.128, for the purpose of investigating an applicant
13 for adoption, a foster care applicant or licensee or an employee
14 of a foster care applicant or licensee, an adult member of an
15 applicant's or licensee's household, or other persons in a foster
16 care or adoptive home who are directly responsible for the care
17 and welfare of children, to determine suitability of a home for
18 adoption or foster care. The child placing agency shall disclose
19 the information to a foster care applicant or licensee under 1973
20 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

21 (l) Juvenile court staff authorized by the court to investi-
22 gate foster care applicants and licensees, employees of foster
23 care applicants and licensees, adult members of the applicant's
24 or licensee's household, and other persons in the home who are
25 directly responsible for the care and welfare of children, for
26 the purpose of determining the suitability of the home for foster

1 care. The court shall disclose this information to the applicant
2 or licensee.

3 (m) Subject to section 7a, a standing or select committee or
4 appropriations subcommittee of either house of the legislature
5 having jurisdiction over protective services matters for
6 children.

7 (n) The children's ombudsman appointed under the children's
8 ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

9 (o) A child fatality review team established under section
10 7b and authorized under that section to investigate and review a
11 child death.

12 (p) A county medical examiner or deputy county medical
13 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for
14 the purpose of carrying out his or her duties under that act.

15 (Q) A PERSON REQUESTING A CENTRAL REGISTRY CHECK FOR A
16 RECORD OF A CENTRAL REGISTRY CASE UNDER THE CHILD-RELATED EMPLOY-
17 MENT BACKGROUND CHECK ACT, TO THE EXTENT PROVIDED IN THAT ACT.

18 (3) A person or entity to whom information described in sub-
19 section (2) is disclosed shall make the information available
20 only to a person or entity described in subsection (2). This
21 subsection does not require a court proceeding to be closed that
22 otherwise would be open to the public.

23 (4) If the department classifies a report of suspected child
24 abuse or neglect as a central registry case, the department shall
25 maintain a record in the central registry and, within 30 days
26 after the classification, shall notify in writing each individual
27 ~~who is~~ named in the record as a perpetrator of the child abuse

1 or neglect. The notice shall set forth the individual's right to
2 request expunction of the record and the right to a hearing if
3 the department refuses the request. The notice shall state that
4 the record may be released under section 7d. The notice shall
5 not identify the person reporting the suspected child abuse or
6 neglect.

7 (5) A person who is the subject of a report or record made
8 under this act may request the department to amend an inaccurate
9 report or record from the central registry and local office
10 file. A person who is the subject of a report or record made
11 under this act may request the department to expunge from the
12 central registry a report or record in which no relevant and
13 accurate evidence of abuse or neglect is found to exist. A
14 report or record filed in a local office file is not subject to
15 expunction except as the department authorizes, when considered
16 in the best interest of the child.

17 (6) If the department refuses a request for amendment or
18 expunction under subsection (5), or fails to act within 30 days
19 after receiving the request, the department shall hold a hearing
20 to determine by a preponderance of the evidence whether the
21 report or record in whole or in part should be amended or
22 expunged from the central registry on the grounds that the report
23 or record is not relevant or accurate evidence of abuse or
24 neglect. The hearing shall be before a hearing officer appointed
25 by the department and shall be conducted as prescribed by the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328.

1 (7) If the investigation of a report conducted under this
2 act fails to disclose evidence of abuse or neglect, the informa-
3 tion identifying the subject of the report shall be expunged from
4 the central registry. If evidence of abuse or neglect exists,
5 the department shall maintain the information in the central reg-
6 istry until the department receives reliable information that the
7 individual alleged to have perpetrated the abuse or neglect is
8 dead.

9 (8) In releasing information under this act, the department
10 shall not include a report compiled by a police agency or other
11 law enforcement agency related to an investigation of suspected
12 child abuse or neglect. This subsection does not prevent the
13 department from including reports of convictions of crimes
14 related to child abuse or neglect.

15 Enacting section 1. This amendatory act takes effect
16 September 1, 1999.

17 Enacting section 2. This amendatory act does not take
18 effect unless Senate Bill No. _____ or House Bill No. 5741
19 (request no. 02221'99*) of the 90th Legislature is enacted into
20 law.