

SENATE BILL NO. 626

October 23, 2025, Introduced by Senator HERTEL and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending sections 2, 7j, and 8 (MCL 722.622, 722.627j, and
722.628), section 2 as amended by 2022 PA 67, section 7j as amended
by 2022 PA 64, and section 8 as amended by 2022 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Adult foster care location authorized to care for a
- 3 child" means an adult foster care family home or adult foster care
- 4 small group home as **those terms are** defined in section 3 of the

1 adult foster care facility licensing act, 1979 PA 218, MCL 400.703,
2 in which a child is placed in accordance with section 5 of 1973 PA
3 116, MCL 722.115.

4 (b) "Attorney" means, if appointed to represent a child under
5 the provisions referenced in section 10, an attorney serving as the
6 child's legal advocate in the manner defined and described in
7 section 13a of chapter XIIIA of the probate code of 1939, 1939 PA
8 288, MCL 712A.13a.

9 (c) "Central registry" means a repository of names of
10 individuals who are identified as perpetrators related to a central
11 registry case in the department's statewide electronic case
12 management system.

13 (d) "Central registry case" means the department confirmed
14 that a person responsible for the child's health or welfare
15 committed serious abuse or neglect, sexual abuse, or sexual
16 exploitation of a child, or allowed a child to be exposed to or
17 have contact with methamphetamine production.

18 (e) "Centralized intake" means the department's statewide
19 centralized processing center for reports of suspected child abuse
20 and child neglect.

21 (f) "Child" means an individual ~~under~~ **who is less than** 18
22 years of age.

23 (g) "Child abuse" means harm or threatened harm to a child's
24 health or welfare that occurs through nonaccidental physical or
25 mental injury, sexual abuse, sexual exploitation, or maltreatment,
26 by a parent, a legal guardian, any other person responsible for the
27 child's health or welfare, a teacher, a teacher's aide, a member of
28 the clergy, or an individual 18 years of age or older who is
29 involved with a youth program.

1 (h) "Child care organization" means that term as defined in
2 section 1 of 1973 PA 116, MCL 722.111.

3 (i) "Child care provider" means an owner, operator, employee,
4 or volunteer of a child care organization or of an adult foster
5 care location authorized to care for a child.

6 (j) "Child care regulatory agency" means the department of
7 licensing and regulatory affairs, the department's division of
8 child welfare licensing, **the department of lifelong education,**
9 **advancement, and potential,** or a successor state department that is
10 responsible for the licensing or registration of child care
11 organizations or the licensing of adult foster care locations
12 authorized to care for a child.

13 (k) "Child neglect" means harm or threatened harm to a child's
14 health or welfare by a parent, legal guardian, or any other person
15 responsible for the child's health or welfare that occurs through
16 either of the following:

17 (i) Negligent treatment, including the failure to provide
18 adequate food, clothing, shelter, or medical care, though
19 financially able to do so, or by the failure to seek financial or
20 other reasonable means to provide adequate food, clothing, shelter,
21 or medical care.

22 (ii) Placing a child at an unreasonable risk to the child's
23 health or welfare by failure of the parent, legal guardian, or
24 other person responsible for the child's health or welfare to
25 intervene to eliminate that risk when that person is able to do so
26 and has, or should have, knowledge of the risk.

27 (l) "Children's advocacy center" means an entity accredited as
28 a child advocacy center by the National Children's Alliance or its
29 successor agency or an entity granted associate or developing

1 membership status by the National Children's Alliance or its
2 successor agency.

3 (m) "Citizen review panel" means a panel established as
4 required by section 5106a of the child abuse prevention and
5 treatment act, 42 USC 5106a.

6 (n) "Confirmed case" means the department has determined, by a
7 preponderance of evidence, that child abuse or child neglect
8 occurred by a person responsible for the child's health, welfare,
9 or care.

10 (o) "Confirmed case of methamphetamine production" means a
11 confirmed case that involved a child's exposure or contact with
12 methamphetamine production.

13 (p) "Confirmed serious abuse or neglect" means a confirmed
14 case of mental injury or physical injury or neglect to a child that
15 involves any of the following:

16 (i) Battering, torture, or other serious physical harm.

17 (ii) Loss or serious impairment of an organ or limb.

18 (iii) Life-threatening injury.

19 (iv) Murder, ~~or attempted murder~~, **manslaughter, or the death of**
20 **a child.**

21 (v) Serious mental harm.

22 **(vi) Sexual abuse.**

23 (q) "Confirmed sexual abuse" means a confirmed case that
24 involves sexual penetration ~~, or sexual contact, attempted sexual~~
25 ~~penetration, or assault with intent to penetrate~~ as those terms are
26 defined in section 520a of the Michigan penal code, 1931 PA 328,
27 MCL 750.520a, **attempted sexual penetration, assault with intent to**
28 **penetrate, or other sexual abuse.**

29 (r) "Confirmed sexual exploitation" means a confirmed case

1 that involves allowing, permitting, or encouraging a child to
 2 engage in prostitution, or allowing, permitting, encouraging, or
 3 engaging in the photographing, filming, or depicting of a child
 4 engaged in a listed sexual act as that term is defined in section
 5 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

6 (s) "Controlled substance" means that term as defined in
 7 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

8 (t) "Department" means the department of health and human
 9 services.

10 (u) "Director" means the director of the department.

11 (v) "Electronic case management system" means the child
 12 protective service information system, ~~that~~**which** is an internal
 13 data system maintained within and by the department.

14 (w) "Expunge" means to physically remove or eliminate and
 15 destroy a record or report.

16 (x) "Lawyer-guardian ad litem" means an attorney appointed
 17 under section 10 who has the powers and duties referenced ~~by~~**in**
 18 section 10.

19 (y) "Local office file" means the system used to keep a record
 20 of a written report, document, or photograph filed with and
 21 maintained by a county or a regionally based office of the
 22 department.

23 (z) "Member of the clergy" means a priest, minister, rabbi,
 24 Christian ~~science~~**Science** practitioner, spiritual leader, or other
 25 religious practitioner, or similar functionary of a church, temple,
 26 spiritual community, or recognized religious body, denomination, or
 27 organization.

28 (aa) "Nonparent adult" means ~~a person who is~~**an individual** 18
 29 years of age or older ~~and who,~~ regardless of the ~~person's~~

1 **individual's** domicile, meets all of the following criteria in
2 relation to a child:

3 (i) Has substantial and regular contact with the child.

4 (ii) Has a close personal relationship with the child's parent
5 or with a person responsible for the child's health or welfare.

6 (iii) Is not the child's parent or ~~a person~~ **an individual**
7 otherwise related to the child by blood or affinity to the third
8 degree.

9 (bb) "Online reporting system" means the electronic system
10 established by the department for individuals identified in section
11 3(1) to report suspected child abuse or child neglect.

12 (cc) "Person responsible for the child's health or welfare"
13 means a parent, legal guardian, individual 18 years of age or older
14 who resides for any length of time in the same home in which the
15 child resides, or, except when used in section 7(1)(e) or 8(8),
16 nonparent adult; or an owner, operator, volunteer, or employee of 1
17 or more of the following:

18 (i) A licensed or registered child care organization.

19 (ii) A licensed or unlicensed adult foster care family home or
20 adult foster care small group home as **those terms are** defined in
21 section 3 of the adult foster care facility licensing act, 1979 PA
22 218, MCL 400.703.

23 (iii) A court-operated facility as approved under section 14 of
24 the social welfare act, 1939 PA 280, MCL 400.14.

25 (dd) "Relevant evidence" means evidence having a tendency to
26 make the existence of a fact that is at issue more probable than it
27 would be without the evidence.

28 (ee) "Serious mental harm" and "serious physical harm" mean
29 those terms as defined in section 136b of the Michigan penal code,

1 1931 PA 328, MCL 750.136b.

2 (ff) "Specified information" means information in a children's
3 protective services case record related specifically to the
4 department's actions in responding to a complaint of child abuse or
5 child neglect. Specified information does not include any of the
6 following:

7 (i) Except as provided in this subparagraph regarding a
8 perpetrator of child abuse or child neglect, personal
9 identification information for any individual identified in a child
10 protective services record. The exclusion of personal
11 identification information as specified information prescribed by
12 this subparagraph does not include personal identification
13 information identifying an individual alleged to have perpetrated
14 child abuse or child neglect, which allegation has been classified
15 as a central registry case.

16 (ii) Information in a police agency report or other law
17 enforcement agency report as provided in section 7(3).

18 (iii) Any other information that is specifically designated as
19 confidential under other law.

20 (iv) Any information not related to the department's actions in
21 responding to a report of child abuse or child neglect.

22 (gg) "Structured decision-making tool" means the department
23 document labeled "DSS-4752 (P3) (3-95)" or a revision of that
24 document that better measures the risk of future harm to a child.

25 (hh) "Substantiated" means a confirmed case.

26 (ii) "Unsubstantiated" means a case that is not confirmed.

27 (jj) **"Youth program" means an event or activity that is**
28 **designed for the participation of minors; is supervised by an**
29 **employee of, or volunteer for, the event or activity; and does not**

1 take place in the presence of the minors' parents or legal
2 guardians.

3 Sec. 7j. (1) The department ~~must~~**shall** maintain a statewide,
4 electronic case management system to carry out the intent of this
5 act. The department may enter into vendor contracts that it
6 considers necessary and proper for implementation, review, and
7 update of the electronic case management system. The department
8 must solicit proposals from entities to provide the services
9 necessary to implement, review, and update the electronic case
10 management system.

11 (2) The department ~~must~~**shall** classify a confirmed case of
12 methamphetamine production, confirmed serious abuse or neglect,
13 confirmed sexual abuse, or confirmed sexual exploitation, as a
14 central registry case.

15 (3) In addition to a case classified under subsection (2), a
16 court in this state entering an order of conviction for a violation
17 of section 136b of the Michigan penal code, 1931 PA 328, MCL
18 750.136b, a conviction for a violation of chapter LXXVI of the
19 Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520o,
20 involving a minor victim, a conviction for a violation of section
21 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c, and any
22 conviction involving the death of a child must request that the
23 conviction be classified as a central registry case by the
24 department. The department, with cooperation from the state court
25 administrative office, must promulgate rules to regulate this
26 referral process.

27 (4) At any time, an individual who has been placed on the
28 central registry under subsection (3) may request, and the court
29 shall request, an individual's name be removed from the central

1 registry upon the individual prevailing in a motion to the
2 convicting court for **either of** the following reasons:

3 (a) The individual was not convicted of an offense listed
4 under this section.

5 (b) Demonstrating that the individual's conviction of the
6 offense that caused the individual to be placed on the central
7 registry has been expunged.

8 (5) Not more than once every 10 years after an individual has
9 been placed on the central registry under subsection (3), the
10 individual may make a motion to the convicting court to request
11 removal from the central registry. In a hearing on this motion, the
12 individual is presumed to be a risk to children, and the burden is
13 on the individual requesting to be removed from the central
14 registry. If the individual demonstrates that the presumption is
15 unreasonable, the court shall request that the department remove
16 the individual from the central registry.

17 (6) Within 30 days after the classification of a central
18 registry case, the department ~~must~~**shall** notify in writing each
19 person who is named in the record as a perpetrator of the confirmed
20 serious abuse or neglect, confirmed sexual abuse, confirmed sexual
21 exploitation, or confirmed case of methamphetamine production. The
22 notice requirements include all of the following:

23 (a) The notice must be sent by registered or certified mail,
24 return receipt requested, and delivery restricted to the addressee.

25 (b) The notice must set forth the person's right to request
26 expunction of the record and the right to a hearing if the
27 department refuses the request.

28 (c) The notice must state that the record may be released
29 under section 7d.

1 (d) The notice must not identify the person reporting the
2 suspected child abuse or child neglect.

3 (7) An individual who is the subject of a report or record
4 made under this section may request the department **to** amend an
5 inaccurate report or record from the central registry and local
6 office file. This subsection does not apply to an individual for
7 which the court has entered an order of conviction described in
8 subsection (3).

9 (8) If the department denies the **individual's** request to amend
10 a report **or record under subsection (7)**, ~~an-the individual who is~~
11 ~~the subject of a report or record made under this section may,~~
12 within 180 days from the date of service of notice of the right to
13 a hearing, request the department hold a hearing to review the
14 request for amendment. This subsection does not apply to an
15 individual for which the court has entered an order of conviction
16 described in subsection (3).

17 (9) The department must hold a hearing to determine by a
18 preponderance of the evidence whether the report or record in whole
19 or in part meets the statutory requirement of confirmed serious
20 abuse or neglect, confirmed sexual abuse, confirmed sexual
21 exploitation, or confirmed case of methamphetamine production and
22 should be amended or expunged from the central registry. The
23 hearing must be held before an administrative law judge and ~~must be~~
24 conducted as prescribed by the administrative procedures act of
25 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may, for
26 good cause, hold a hearing under this subsection if the department
27 determines that the ~~person-individual~~ who is the subject of the
28 report or record submitted the request for a hearing within 60 days
29 after the 180-day notice period expired. This subsection does not

1 apply to an individual for which the court has entered an order of
2 conviction described in subsection (3).

3 (10) If the investigation of a report conducted under this
4 section does not show serious child abuse or child neglect, sexual
5 abuse, sexual exploitation, or methamphetamine production by a
6 preponderance of the evidence, or if a court dismisses a petition
7 based on the merits of the petition filed under section 2(b) of
8 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
9 because the petitioner has failed to establish, or a court has
10 failed to find, that the child comes within the jurisdiction of the
11 court following an adjudication hearing, the information
12 identifying the subject of the report must be expunged from the
13 central registry after a party has exhausted all appellate remedies
14 and an appellate review does not find that the child is within the
15 jurisdiction of the court. If a preponderance of evidence of child
16 abuse or child neglect exists, or if a court takes jurisdiction of
17 the child under section 2(b) of chapter XIIIA of the probate code of
18 1939, 1939 PA 288, MCL 712A.2, the department must maintain the
19 information and must maintain the perpetrator's information in the
20 central registry if the case is determined to be a confirmed case
21 of methamphetamine production, confirmed serious abuse or neglect,
22 confirmed sexual abuse, or confirmed sexual exploitation. This
23 subsection does not apply to an individual for which the court has
24 entered an order of conviction described in subsection (3).

25 (11) Except as otherwise provided in this section, the
26 department ~~must~~**shall** maintain the information in the central
27 registry until the department receives reliable information that
28 the perpetrator is dead. Not more than once every 10 years after an
29 individual has been listed on the central registry, the individual

1 may request a hearing regarding removal from the central registry.
2 Except for confirmed sexual abuse or confirmed sexual exploitation,
3 the department must hold a hearing to determine whether the
4 information should be maintained on the central registry. The
5 hearing must be held before an administrative law judge and ~~must be~~
6 conducted as prescribed by the administrative procedures act of
7 1969, 1969 PA 306, MCL 24.201 to 24.328. In this hearing, the
8 individual is presumed to be a risk to children and the burden of
9 proof is on the individual requesting to be removed from the
10 central registry. If the individual demonstrates by a preponderance
11 of the evidence that the presumption is unreasonable, then the
12 information must be expunged from the central registry. The facts
13 and circumstances as determined by the department or an
14 administrative law judge on review of the department's decision
15 that resulted in the individual originally being placed on the
16 central registry are not subject to review. The administrative law
17 judge shall take into account the facts and circumstances in the
18 years since the individual was listed on the central registry that
19 bear on the assessment of the individual's risk to children in the
20 future. ~~For the purpose of~~ **As used in** this subsection, "reliable
21 information" includes, but is not limited to, information obtained
22 using the United States Social Security death index database. This
23 subsection does not apply to an individual for which the court has
24 entered an order of conviction described in subsection (3).

25 (12) ~~Upon~~ **On** written request, the department may provide
26 confirmation of central registry placement to an individual,
27 office, or agency authorized to receive it.

28 (13) A person or the department may share the document
29 provided in subsection (12) with whoever is appropriate for the

1 purpose of seeking employment or serving as a volunteer if that
2 employment or volunteer work will include **unsupervised** contact with
3 children.

4 (14) An individual or organization for whom a person is
5 applying for employment, licensing for a child care organization,
6 or to act as a volunteer, may, with appropriate authorization and
7 identification, request and receive confirmation of central
8 registry placement, if that employment or volunteer work includes
9 **unsupervised** contact with children.

10 (15) A parent or other person responsible for a child, who has
11 reason to believe another caregiver may place that child at risk,
12 may, with appropriate authorization and identification, receive
13 confirmation of central registry placement of that parent, person
14 responsible, or caregiver. This request must be made through the
15 office of the friend of the court created in section 3 of the
16 friend of the court act, 1982 PA 294, MCL 552.503.

17 (16) The department may develop an automated system that will
18 allow a person applying for child-related employment or seeking to
19 volunteer in a capacity that would allow unsupervised access to a
20 child for whom the person is not a person responsible for that
21 child's health or welfare to be listed in that system if a
22 screening of the person finds that ~~he or she~~ **the person** has not
23 been named in a central registry case as the perpetrator of a
24 confirmed case of methamphetamine production, confirmed serious
25 abuse or neglect, confirmed sexual abuse, or confirmed sexual
26 exploitation. The automated system developed under this section
27 must provide for public access to the list of persons ~~who~~ **that** have
28 been screened for the purposes of complying with this section. An
29 automated system developed under this section must have appropriate

1 safeguards and procedures to ensure that information that is
2 confidential under this act, state law, or federal law is not
3 accessible or disclosed through that system.

4 (17) An action taken to exclude an individual from licensure
5 to provide foster care, child care, or camp services by the
6 department of licensing and regulatory affairs or the division of
7 child welfare licensing in the department, or a predecessor agency,
8 in effect before ~~the effective date of the amendatory act that~~
9 ~~added this subsection,~~ **November 1, 2022**, must remain in effect
10 according to its terms, except if an individual is successful in an
11 administrative review or appeal of the exclusionary status in
12 accord with section 9 of 1973 PA 116, MCL 722.119.

13 (18) In addition to the central registry clearance, the
14 department must search children's protective services records to
15 determine if an applicant or licensee, relative, adult member of
16 the household, licensee designee, chief administrator, staff
17 member, or unsupervised volunteer has a children's protective
18 services history before making a licensing or placement
19 determination, or provide clearance for staff employment or a
20 volunteer in a child caring organization.

21 Sec. 8. (1) Within 24 hours after receiving a report made
22 under this act, the department must refer the report to the
23 prosecuting attorney and the local law enforcement agency if the
24 report meets the requirements of subsection (3)(a), (b), or (c) or
25 section 3(6) or (9) or must commence an investigation of the child
26 suspected of being abused or neglected. Within 24 hours after
27 receiving a report whether from the reporting person or from the
28 department under subsection (3)(a), (b), or (c) or section 3(6) or
29 (9), the local law enforcement agency must refer the report to the

1 department, if the report meets the requirements of section 3(7),
2 or must commence an investigation of the child suspected of being
3 abused or neglected or exposed to or who has had contact with
4 methamphetamine production. If the child suspected of being abused
5 or exposed to or who has had contact with methamphetamine
6 production is not in the physical custody of the parent or legal
7 guardian and informing the parent or legal guardian would not
8 endanger the child's health or welfare, the local law enforcement
9 agency or the department must inform the child's parent or legal
10 guardian of the investigation as soon as the local law enforcement
11 agency or the department discovers the identity of the child's
12 parent or legal guardian.

13 (2) In the course of its investigation, the department must
14 determine if the child is abused or neglected. The department must
15 cooperate with law enforcement officials, courts of competent
16 jurisdiction, and appropriate state agencies providing human
17 services in relation to preventing, identifying, and treating child
18 abuse and child neglect; must provide, enlist, and coordinate the
19 necessary services, directly or through purchasing services from
20 other agencies and professions; and must take necessary action to
21 prevent further abuses, to safeguard and enhance the child's
22 welfare, and to preserve family life where possible. In the course
23 of an investigation, at the time that a department investigator
24 contacts an individual about whom a report has been made under this
25 act or contacts an individual responsible for the health or welfare
26 of a child about whom a report has been made under this act, the
27 department investigator must advise that individual of the
28 department investigator's name, whom the department investigator
29 represents, and the specific complaints or allegations made against

1 the individual. The department must ensure that its policies,
2 procedures, and administrative rules ensure compliance with this
3 act.

4 (3) In conducting its investigation, the department must seek
5 the assistance of and cooperate with law enforcement officials
6 within 24 hours after becoming aware that 1 or more of the
7 following conditions exist:

8 (a) Child abuse or child neglect is the suspected cause of a
9 child's death.

10 (b) The child is the victim of suspected sexual abuse or
11 sexual exploitation.

12 (c) Child abuse or child neglect resulting in serious physical
13 harm to the child.

14 (d) Law enforcement intervention is necessary for the
15 protection of the child, a department employee, or another person
16 involved in the investigation.

17 (e) The alleged perpetrator of the child's injury is not a
18 person responsible for the child's health or welfare.

19 (f) The child has been exposed to or had contact with
20 methamphetamine production.

21 (4) Law enforcement officials must cooperate with the
22 department in conducting investigations under subsections (1) and
23 (3) and must comply with sections 5 and 7. The department and law
24 enforcement officials must conduct investigations in compliance
25 with the protocols adopted and implemented as required by
26 subsection (6).

27 (5) Involvement of law enforcement officials under this
28 section does not relieve or prevent the department from proceeding
29 with its investigation or treatment if there is reasonable cause to

1 suspect that the child abuse or child neglect was committed by a
2 person responsible for the child's health or welfare.

3 (6) In each county, the prosecuting attorney and the
4 department must develop and establish procedures for involving law
5 enforcement officials and children's advocacy centers, as
6 appropriate, as provided in this section. In each county, the
7 prosecuting attorney and the department must adopt and implement
8 standard child abuse and child neglect investigation and interview
9 protocols using, as a model, the protocols developed by the
10 governor's task force on children's justice as published in FIA
11 Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or
12 an updated version of those publications.

13 (7) If there is reasonable cause to suspect that a child in
14 the care of or under the control of a public or private agency,
15 institution, or facility is an abused or neglected child, the
16 agency, institution, or facility must be investigated by an agency
17 administratively independent of the agency, institution, or
18 facility being investigated. If the investigation produces evidence
19 of a violation of section 145c or sections 520b to 520g of the
20 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to
21 750.520g, the investigating agency must transmit a copy of the
22 results of the investigation to the prosecuting attorney of the
23 county in which the agency, institution, or facility is located.

24 (8) A school or other institution must cooperate with the
25 department during an investigation of a report of child abuse or
26 child neglect. Cooperation includes allowing access to the child
27 without parental consent if access is determined by the department
28 to be necessary to complete the investigation or to prevent child
29 abuse or child neglect of the child. The department ~~must~~**shall**

1 notify the person responsible for the child's health or welfare
2 about the department's contact with the child at the time or as
3 soon afterward as the person can be reached. The department may
4 delay the notice if the notice would compromise the safety of the
5 child or child's siblings or the integrity of the investigation,
6 but only for the time 1 of those conditions exists.

7 (9) If the department has contact with a child in a school,
8 all of the following apply:

9 (a) Before contact with the child, the department investigator
10 must review with the designated school staff person the
11 department's responsibilities under this act and the investigation
12 procedure.

13 (b) After contact with the child, the department investigator
14 must meet with the designated school staff person and the child
15 about the response the department will take as a result of contact
16 with the child. The department may also meet with the designated
17 school staff person without the child present and share additional
18 information the investigator determines may be shared subject to
19 the confidentiality provisions of this act.

20 (c) Lack of cooperation by the school does not relieve or
21 prevent the department from proceeding with its responsibilities
22 under this act.

23 (10) A child must not be subjected to a search at a school
24 that requires the child to remove ~~his or her~~ **the child's** clothing
25 to expose ~~his buttocks or genitalia or her~~ **the child's** breasts,
26 buttocks, or genitalia unless the department has obtained an order
27 from a court of competent jurisdiction permitting that search. If
28 the access occurs within a hospital, the investigation must be
29 conducted so as not to interfere with the medical treatment of the

1 child or other patients.

2 (11) The department must enter each report made under this act
3 that is the subject of a field investigation into the electronic
4 case management system. The department ~~must~~**shall** maintain a report
5 entered on the electronic case management system as required by
6 this subsection until the child about whom the investigation is
7 made is 18 years old or until 10 years after the investigation is
8 commenced, whichever is later, or, if the case is classified as a
9 central registry case, until the department receives reliable
10 information that the perpetrator of the child abuse or child
11 neglect is dead. Unless made public as specified information
12 released under section 7d, a report that is maintained on the
13 electronic case management system is confidential and is not
14 subject to the disclosure requirements of the freedom of
15 information act, 1976 PA 442, MCL 15.231 to 15.246.

16 (12) After completing a field investigation and based on its
17 results, the department must determine in which single category,
18 prescribed by section 8d, to classify the allegation of child abuse
19 or child neglect and determine whether the child abuse or child
20 neglect must be classified as a central registry case.

21 (13) A person who is the subject of a report or record made
22 under this section in which the violation does not result in being
23 placed on the central registry, but is categorized as a category I,
24 II, or III case under section 8d, may request the department amend
25 an inaccurate report or record from the local office file. Within
26 30 days after the classification of a confirmed case that does not
27 result in being placed on the central registry, the department ~~must~~
28 **shall** notify in writing each person who is named in the report or
29 record as a perpetrator of ~~confirmed serious~~**child** abuse or **child**

1 neglect. This notice requirement includes all the following:

2 (a) Must be sent by first-class mail to the identified
3 perpetrator.

4 (b) Must set forth the person's right to request amendment of
5 the record and the right to an administrative review conducted by
6 the department.

7 (c) Must state that the record may be released under section
8 7d, and may impact future employment or licensing opportunities.

9 (d) Must not identify the person reporting the suspected child
10 abuse or child neglect.

11 (14) The request described in subsection (13) must be made
12 within 180 days after the date of service of notice. ~~of a confirmed~~
13 ~~serious abuse or neglect.~~ The department may, for good cause,
14 extend the time frame for the request after the 180-day notice if
15 the department determines that the person who is the subject of the
16 report or record submitted the request for an administrative review
17 within 60 days after the 180-day notice period expired. The
18 department must create an administrative process to determine
19 whether the report or record should be amended.

20 (15) Except as provided in subsection (16), upon completion of
21 the investigation by the local law enforcement agency or the
22 department, the law enforcement agency or department may inform the
23 person who made the report as to the disposition of the report.

24 (16) If the person who made the report is mandated to report
25 under section 3, upon completion of the investigation by the
26 department, the department must inform the person in writing as to
27 the disposition of the case and must include in the information at
28 least all of the following:

29 (a) What determination the department made under subsection

1 (12) and the rationale for that decision.

2 (b) Whether legal action was commenced and, if so, the nature
3 of that action.

4 (c) Notification that the information being conveyed is
5 confidential.

6 (17) Information sent under subsection (16) must not include
7 personally identifying information for a person named in a report
8 or record made under this act.

9 (18) Unless section 5 of chapter XII of the probate code of
10 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the
11 department, the surrender of a newborn in compliance with chapter
12 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,
13 is not reasonable cause to suspect child abuse or child neglect and
14 is not subject to the section 3 reporting requirement. This
15 subsection does not apply to circumstances that arise on or after
16 the date that chapter XII of the probate code of 1939, 1939 PA 288,
17 MCL 712.1 to 712.20, is repealed. This subsection applies to a
18 newborn whose birth is described in the born alive infant
19 protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is
20 considered to be a newborn surrendered under the safe delivery of
21 newborns law as provided in section 3 of chapter XII of the probate
22 code of 1939, 1939 PA 288, MCL 712.3.

23 (19) All department employees involved in investigating child
24 abuse or child neglect cases must be trained in the legal duties to
25 protect the state and federal constitutional and statutory rights
26 of children and families from the initial contact of an
27 investigation through the time services are provided.

28 (20) The department must determine whether there is an open
29 friend of the court case regarding a child who is suspected of

1 being abused or neglected if a child protective services
2 investigation of child abuse and child neglect allegations result
3 in any of the following dispositions:

4 (a) A finding that a preponderance of evidence indicates that
5 there has been child abuse or child neglect.

6 (b) Emergency removal of the child for child abuse or child
7 neglect before the investigation is completed.

8 (c) The family court takes jurisdiction on a petition and a
9 child is maintained in ~~his or her~~ **the child's** own home under the
10 supervision of the department.

11 (d) If 1 or more children residing in the home are removed and
12 1 or more children remain in the home.

13 (e) Any other circumstances that the department determines are
14 applicable and related to child safety.

15 (21) If the department determines that there is an open friend
16 of the court case and the provisions of subsection (20) apply, the
17 department ~~must~~ **shall** notify the office of the friend of the court
18 in the county in which the friend of the court case is open that
19 there is an investigation being conducted under this act regarding
20 that child and must also report to the local friend of the court
21 office when there is a change in that child's placement.

22 (22) Child protective services may report to the local friend
23 of the court office any situation in which a parent, more than 3
24 times within 1 year or on 5 cumulative reports over several years,
25 made unfounded reports to child protective services regarding
26 alleged child abuse or child neglect of ~~his or her~~ **the parent's**
27 child.

28 (23) If the department determines that there is an open friend
29 of the court case, the department must provide a noncustodial

- 1 parent of a child who is suspected of being abused or neglected
- 2 with the form developed by the department that has information on
- 3 how to change a custody or parenting time court order.