



BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 596 (as passed by the Senate)
Sponsor: Senator Jack Welborn
Committee: Family Law, Criminal Law, and Corrections

Date Completed: 3-11-92

RATIONALE

Until early in 1991, in the course of their investigations, child placing agencies and probate court staff were able to check with the Department of Social Services (DSS) for any record of alleged or confirmed child abuse or neglect by an adoption or foster care applicant. The Child Protection Law, however, is explicit in stating who may have access to child abuse reports filed with the DSS, and an Attorney General's opinion concluded that the Law did not authorize the DSS to release child abuse records and information to non-Department child placing agencies (Opinion No. 6680, issued May 14, 1991). Public Act 78 of 1991 then amended the Child Protection Law to grant access to confidential child abuse and neglect records in the DSS central registry to child placing agencies licensed under the child care licensing Act, and juvenile court staff, authorized to investigate foster care applicants and licensees, for the purpose of determining the suitability of a home for foster care. Public Act 78 further allows child placing agencies, but not court staff, to obtain confidential information from the registry to determine a home's suitability for adoption. Some people believe that juvenile court staff also should have access to the DSS's child abuse and neglect records for this purpose.

CONTENT

The bill would amend the Child Protection Law to allow a written report, document, or photograph filed with the Department of Social Services under the Act, to be available to juvenile court staff investigating applicants for adoption to determine the suitability of a home for adoption.

The bill also specifies that it would be "beyond

the scope of authority" of a DSS employee to release from the central registry information that contained the name of an individual who did not commit child abuse or neglect.

MCL 722.627

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Public Act 78 of 1991 rectified a situation that arose as a result of an Attorney General's opinion that examined the Child Protection Law and cited the apparent exclusion of child placing agencies from the Law's list of who may have access to abuse and neglect files. As a result of the Attorney General's opinion, the DSS had to cease its practice of granting access to child abuse and neglect information to private child placing agencies and probate court staff, until the passage of Public Act 78. That Act, however, did not specifically grant to probate court staff access to the information for adoption investigations, while it did grant such access to child placing agencies. The bill would correct this oversight.

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