

HOUSE BILL No. 4984

June 20, 1991, Introduced by Rep. Bouchard and referred to the Committee on Social Services and Youth.

A bill to amend section 7 of Act No. 238 of the Public Acts of 1975, entitled as amended "Child protection law," as amended by Act No. 418 of the Public Acts of 1984, being section 722.627 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 418 of the Public Acts of 1984, being
3 section 722.627 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. (1) The department shall maintain a central regis-
6 try system to carry out the intent of this act. A written
7 report, document, or photograph filed with the department
8 pursuant to this act ~~shall be~~ IS a confidential record
9 available only to 1 or more of the following:

1 (a) A legally mandated public or private child protective
2 agency investigating a report of known or suspected child abuse
3 or neglect.

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

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

8 (d) A person legally authorized to place a child in protec-
9 tive custody when the person is confronted with a child whom the
10 person reasonably suspects may be abused or neglected and the
11 confidential record is necessary to determine whether to place
12 the child in protective custody.

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

18 (f) A person named in the report or record, if the identity
19 of the reporting person is protected pursuant to section 5.

20 (g) A court ~~which~~ THAT determines the information is nec-
21 essary to decide an issue before the court.

22 (h) A grand jury ~~which~~ THAT determines the information is
23 necessary ~~in the conduct of~~ FOR CONDUCTING the grand jury's
24 official business.

25 (i) A person, agency, or organization engaged in a bona fide
26 research or evaluation project, except information identifying a
27 person named in the report or record shall not be made available

1 unless the department has obtained that person's written
2 consent. The person, agency, or organization shall not conduct a
3 personal interview with a family without the family's prior con-
4 sent and shall not disclose information ~~which~~ THAT would iden-
5 tify the child or the child's family or other identifying
6 information.

7 (j) A person appointed as legal counsel pursuant to
8 section 10.

9 (K) THE FOLLOWING EMPLOYERS, ONLY FOR THE PURPOSE OF A BACK-
10 GROUND OR EMPLOYMENT RELATED SCREENING OF A PERSON EMPLOYED BY OR
11 VOLUNTARILY ASSOCIATED WITH, OR APPLYING FOR EMPLOYMENT BY OR
12 VOLUNTARY ASSOCIATION WITH, THE EMPLOYER:

13 (i) A CHILD CARE ORGANIZATION AS DEFINED IN SECTION 1 OF ACT
14 NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SECTION 722.111 OF THE
15 MICHIGAN COMPILED LAWS.

16 (ii) AN ADULT FOSTER CARE FAMILY HOME OR ADULT FOSTER CARE
17 SMALL GROUP HOME AS DEFINED IN SECTION 3 OF THE ADULT FOSTER CARE
18 FACILITY LICENSING ACT, ACT NO. 218 OF THE PUBLIC ACTS OF 1979,
19 BEING SECTION 400.703 OF THE MICHIGAN COMPILED LAWS.

20 (iii) A PRIVATE OR PUBLIC SCHOOL WITH ANY GRADE FROM KINDER-
21 GARTEN TO TWELFTH GRADE.

22 (iv) A PUBLIC OR PRIVATE INTERMEDIATE OR LONG-TERM CARE
23 FACILITY PROVIDING CARE OR TREATMENT FOR A MENTAL, PHYSICAL, EMO-
24 TIONAL, OR REHABILITATIVE CONDITION OR DISEASE FOR A CHILD.

25 (v) A JUVENILE FACILITY AS DEFINED IN SECTION 2 OF THE JUVE-
26 NILE FACILITIES ACT, ACT NO. 73 OF THE PUBLIC ACTS OF 1988, BEING
27 SECTION 803.222 OF THE MICHIGAN COMPILED LAWS.

1 (2) A person or entity to whom a report, document, or
2 photograph is made available shall make the report, document, or
3 photograph available only to a person or entity described in
4 subsection (1)(a) to (j). This subsection ~~shall~~ DOES not ~~be~~
5 ~~construed to~~ require a court proceeding ~~which~~ THAT otherwise
6 would be open to the public to be closed.

7 (3) A person who is the subject of a report or record made
8 pursuant to this act may request the department to amend an inac-
9 curate report or record from the central registry and local
10 office file. A person who is the subject of a report or record
11 made pursuant to this act may request the department to expunge
12 from the central registry a report or record in which no relevant
13 and accurate evidence of abuse or neglect is found to exist. A
14 report or record filed in a local office file shall not be
15 subject to expunction except as the department shall authorize,
16 when considered in the best interest of the child. If the
17 department refuses the request for amendment or expunction, or
18 fails to act within 30 days after receiving the request, the
19 person shall be granted a hearing to determine by a preponderance
20 of the evidence whether the report or record in whole or in part
21 should be amended or expunged from the central registry on the
22 grounds that the report or record is not relevant or accurate
23 evidence of abuse or neglect. The hearing shall be before a
24 hearing officer appointed by the department and shall be con-
25 ducted pursuant to the administrative procedures act of 1969, Act
26 No. 306 of the Public Acts of 1969, as amended, being
27 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled

1 Laws. If the investigation of a report conducted pursuant to
2 this act fails to disclose evidence of abuse or neglect, the
3 information identifying the subject of the report shall be
4 expunged from the central registry. If evidence of abuse or
5 neglect exists, the information identifying the subject of the
6 report shall be expunged when the child alleged to be abused or
7 neglected reaches the age of 18, or 10 years after the report is
8 received by the department, whichever occurs later.