

SENATE BILL No. 596

November 7, 1991, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

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. 78 of the Public Acts of 1991, 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. 78 of the Public Acts of 1991, 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 a confidential record available
9 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 the grand jury's official business.

24 (i) A person, agency, or organization engaged in a bona fide
25 research or evaluation project, except THAT information identify-
26 ing a person named in the report or record shall not be made
27 available unless the department has obtained that person's

1 written consent. The person, agency, or organization shall not
 2 conduct a personal interview with a family without the family's
 3 prior consent and shall not disclose information ~~which~~ THAT
 4 would identify the child or the child's family or other identify-
 5 ing information.

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

8 (k) A child placing agency licensed under Act No. 116 of the
 9 Public Acts of 1973, being sections 722.111 to 722.128 of the
 10 Michigan Compiled Laws, for the purpose of investigating an
 11 applicant for adoption, a foster care applicant or licensee or an
 12 employee of a foster care applicant or licensee, an adult member
 13 of an applicant's or licensee's household, or other persons in a
 14 foster care or adoptive home who are directly responsible for the
 15 care and welfare of children, to determine suitability of a home
 16 for adoption or foster care. The child placing agency shall dis-
 17 close the information to a foster care applicant or licensee
 18 under Act No. 116 of the Public Acts of 1973, or to an applicant
 19 for adoption.

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

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

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

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

1 Act No. 306 of the Public Acts of 1969, as amended, being
2 sections 24.201 to 24.328 of the Michigan Compiled Laws. If the
3 investigation of a report conducted pursuant to this act fails to
4 disclose evidence of abuse or neglect, the information identify-
5 ing the subject of the report shall be expunged from the central
6 registry. If evidence of abuse or neglect exists, the informa-
7 tion identifying the subject of the report shall be expunged when
8 the child alleged to be abused or neglected reaches the age of
9 18, or 10 years after the report is received by the department,
10 whichever occurs later.