



**House
Legislative
Analysis
Section**

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RELEASE OF ABUSE INFO.

AS ENROLLED

House Bill 4627 with committee
amendments
First Analysis (4-22-93)

Sponsor: Rep. Michelle McManus
Committee: Human Services and
Children

THE APPARENT PROBLEM:

The Child Protection Law requires health professionals, teachers, and certain other people to report known or suspected child abuse or neglect to the Department of Social Services (DSS), which maintains child abuse and neglect reports in a central registry. Information in the central registry is considered confidential; it is made available only to certain authorities specified by the statute. The DSS recently requested the federal Department of Health and Human Services to review proposed amendments (in the form of House Bill 5748 of the 1991-92 session) to the Child Protection Law, so that federal authorities could determine whether the amendments endangered the state's eligibility for federal child abuse and neglect funds available under the federal Child Abuse Prevention and Treatment Act.

In the course of their review, federal authorities noticed an apparent oversight in the Michigan statute. While the Child Protection Law makes it a misdemeanor to "permit or encourage" the unauthorized dissemination of information generated under the act, the law fails to explicitly criminalize the actual dissemination. This shortcoming is serious, not only because it fails to punish a serious violation of the law, but also because it puts the act out of compliance with federal funding criteria that require the state to provide by statute that unauthorized disclosure be a criminal offense.

The DSS has requested legislation to promptly repair the defect pointed out by federal authorities. Although Michigan is not being threatened with the imminent loss of federal funds, the situation is considered serious enough to call for quick action to clarify the Child Protection Act.

THE CONTENT OF THE BILL:

The bill would amend the Child Protection Law to make it a misdemeanor to disseminate child abuse and neglect records generated under the act; the penalty would not apply to dissemination otherwise permitted by the act.

MCL 722.633

FISCAL IMPLICATIONS:

According to information provided by House Republican staff, Michigan is receiving \$788,000 in federal child abuse and neglect funds this year. (4-21-93)

ARGUMENTS:

For:

The bill would correct an oversight in the Child Protection Law and thereby safeguard federal funding contingent on compliance with the federal Child Abuse Prevention and Treatment Act. Without the bill, it would not be a crime to disseminate confidential information related to child abuse or neglect allegations, even though it is a misdemeanor merely to encourage dissemination.

POSITIONS:

The Department of Social Services has expressed preliminary support for the bill, but has not issued a formal analysis at this time. (4-21-93)

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