



# HOUSE BILL No. 5526

May 4 1994 Introduced by Reps Martin McBryde McNutt DeLange and Kukuk and referred to the Committee on Judiciary

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 251 of the Public Acts of 1993, 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 251 of the Public Acts of 1993, 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 to carry out the intent of this act A written report, docu-  
7 ment, or photograph filed with the department pursuant to this  
8 act is a confidential record available only to 1 or more of the  
9 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 that determines the information is necessary to  
21 decide an issue before the court

22 (h) A grand jury that determines the information is neces-  
23 sary 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 information identifying a  
26 person named in the report or record shall not be made available  
27 unless the department has obtained that person s written

1 consent The person agency or organization shall not conduct a  
2 personal interview with a family without the family s prior con-  
3 sent and shall not disclose information that would identify the  
4 child or the child s family or other identifying information

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

7 (k) A child placing agency licensed under Act No 116 of the  
8 Public Acts of 1973, being sections 722 111 to 722 128 of the  
9 Michigan Compiled Laws, for the purpose of investigating an  
10 applicant for adoption a foster care applicant or licensee or an  
11 employee of a foster care applicant or licensee, an adult member  
12 of an applicant's or licensee's household or other persons in a  
13 foster care or adoptive home who are directly responsible for the  
14 care and welfare of children, to determine suitability of a home  
15 for adoption or foster care The child placing agency shall dis-  
16 close the information to a foster care applicant or licensee  
17 under Act No 116 of the Public Acts of 1973 or to an applicant  
18 for adoption

19 (l) Juvenile court staff authorized by the court to investi-  
20 gate foster care applicants and licensees employees of foster  
21 care applicants and licensees adult members of the applicant s  
22 or licensee's household and other persons in the home who are  
23 directly responsible for the care and welfare of children, for  
24 the purpose of determining the suitability of the home for foster  
25 care The court shall disclose this information to the applicant  
26 or licensee

1 (m) Subject to section 7a a standing or select committee or  
2 appropriations subcommittee of either house of the legislature  
3 having jurisdiction over protective services matters for  
4 children

5 (N) A MEDICAL EXAMINER APPOINTED UNDER ACT NO 181 OF THE  
6 PUBLIC ACTS OF 1953 BEING SECTIONS 52 201 TO 52 216 OF THE  
7 MICHIGAN COMPILED LAWS FOR THE PURPOSE OF INVESTIGATING THE  
8 DEATH OF A CHILD WHO THE MEDICAL EXAMINER SUSPECTS MAY HAVE BEEN  
9 ABUSED OR NEGLECTED

10 (2) A person or entity to whom a report, document or photo-  
11 graph is made available shall make the report document, or pho-  
12 tograph available only to a person or entity described in  
13 subsection (1) This subsection shall not be construed to  
14 require a court proceeding to be closed that otherwise would be  
15 open to the public

16 (3) A person who is the subject of a report or record made  
17 pursuant to this act may request the department to amend an inac-  
18 curate report or record from the central registry and local  
19 office file A person who is the subject of a report or record  
20 made pursuant to this act may request the department to expunge  
21 from the central registry a report or record in which no relevant  
22 and accurate evidence of abuse or neglect is found to exist A  
23 report or record filed in a local office file shall not be  
24 subject to expunction except as the department shall authorize  
25 when considered in the best interest of the child If the  
26 department refuses the request for amendment or expunction or  
27 fails to act within 30 days after receiving the request the

1 person shall be granted a hearing to determine by a preponderance  
2 of the evidence whether the report or record in whole or in part  
3 should be amended or expunged from the central registry on the  
4 grounds that the report or record is not relevant or accurate  
5 evidence of abuse or neglect The hearing shall be before a  
6 hearing officer appointed by the department and shall be con-  
7 ducted pursuant to the administrative procedures act of 1969 Act  
8 No 306 of the Public Acts of 1969 as amended, being  
9 sections 24 201 to 24 328 of the Michigan Compiled Laws If the  
10 investigation of a report conducted pursuant to this act fails to  
11 disclose evidence of abuse or neglect, the information identify-  
12 ing the subject of the report shall be expunged from the central  
13 registry If evidence of abuse or neglect exists, the informa-  
14 tion identifying the subject of the report shall be expunged when  
15 the child alleged to be abused or neglected reaches the age of  
16 18 or 10 years after the report is received by the department  
17 whichever occurs later