

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6034

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7 (MCL 722.627), as amended by 1997 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The department shall maintain a statewide,
2 electronic central registry to carry out the intent of this act.

3 ~~A~~

4 (2) UNLESS MADE PUBLIC AS SPECIFIED INFORMATION RELEASED
5 UNDER SECTION 7D, A written report, document, or photograph filed
6 with the department as provided in this act is a confidential
7 record available only to 1 or more of the following:

8 (a) A legally mandated public or private child protective
9 agency investigating a report of known or suspected child abuse
10 or neglect.

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

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

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

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

15 (f) A person named in the report or record AS A PERPETRATOR
16 OR ALLEGED PERPETRATOR OF THE CHILD ABUSE OR NEGLECT OR A VICTIM
17 WHO IS AN ADULT AT THE TIME OF THE REQUEST, if the identity of
18 the reporting person is protected as provided in section 5.

19 (g) A court that determines the information is necessary to
20 decide an issue before the court.

21 (h) A grand jury that determines the information is neces-
22 sary in the conduct of the grand jury's official business.

23 (i) A person, agency, or organization engaged in a bona fide
24 research or evaluation project. The person, agency, or organiza-
25 tion shall not release information identifying a person named in
26 the report or record unless that person's written consent is
27 obtained. The person, agency, or organization shall not conduct

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1 a personal interview with a family without the family's prior
2 consent and shall not disclose information that would identify
3 the child or the child's family or other identifying
4 information. The department director may authorize the release
5 of information to a person, agency, or organization described in
6 this subdivision if the release contributes to the purposes of
7 this act and the person, agency, or organization has appropriate
8 controls to maintain the confidentiality of personally identify-
9 ing information for a person named in a report or record made
10 under this act.

11 (j) A ~~person appointed as legal counsel as prescribed in~~
12 LAWYER-GUARDIAN AD LITEM OR OTHER ATTORNEY APPOINTED AS PROVIDED
13 BY section 10.

14 (k) A child placing agency licensed under 1973 PA 116, MCL
15 722.111 to 722.128, for the purpose of investigating an applicant
16 for adoption, a foster care applicant or licensee or an employee
17 of a foster care applicant or licensee, an adult member of an
18 applicant's or licensee's household, or other persons in a foster
19 care or adoptive home who are directly responsible for the care
20 and welfare of children, to determine suitability of a home for
21 adoption or foster care. The child placing agency shall disclose
22 the information to a foster care applicant or licensee under 1973
23 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

24 (l) Juvenile court staff authorized by the court to investi-
25 gate foster care applicants and licensees, employees of foster
26 care applicants and licensees, adult members of the applicant's
27 or licensee's household, and other persons in the home who are

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1 directly responsible for the care and welfare of children, for
2 the purpose of determining the suitability of the home for foster
3 care. The court shall disclose this information to the applicant
4 or licensee.

5 (m) Subject to section 7a, a standing or select committee or
6 appropriations subcommittee of either house of the legislature
7 having jurisdiction over protective services matters for
8 children.

9 (n) The children's ombudsman appointed under the children's
10 ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

11 (o) A child fatality review team established under section
12 7b and authorized under that section to investigate and review a
13 child death.

14 (p) A county medical examiner or deputy county medical
15 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for
16 the purpose of carrying out his or her duties under that act.

17 (3) ~~(2)~~ A person or entity to whom information described
18 in subsection ~~(1)~~ (2) is disclosed shall make the information
19 available only to a person or entity described in subsection
20 ~~(1)~~ (2). This subsection does not require a court proceeding
21 to be closed that otherwise would be open to the public.

22 (4) ~~(3)~~ If THE DEPARTMENT CLASSIFIES a report of suspected
23 child abuse or neglect ~~is substantiated~~ AS A CENTRAL REGISTRY
24 CASE, the department shall maintain a record in the central reg-
25 istry and, within 30 days after the ~~substantiation~~
26 CLASSIFICATION, shall notify in writing each individual who is
27 named in the record as a perpetrator of the child abuse or

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1 neglect. The notice shall set forth the individual's right to
2 request expunction of the record and the right to a hearing if
3 the department refuses the request. THE NOTICE SHALL STATE THAT
4 THE RECORD MAY BE RELEASED UNDER SECTION 7D. The notice shall not
5 identify the person reporting the suspected child abuse or
6 neglect.

7 (5) ~~(4)~~ A person who is the subject of a report or record
8 made under 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 under this act may request the department to expunge from
12 the central registry a report or record in which no relevant and
13 accurate evidence of abuse or neglect is found to exist. A
14 report or record filed in a local office file is not subject to
15 expunction except as the department authorizes, when considered
16 in the best interest of the child.

17 (6) ~~(5)~~ If the department refuses a request for amendment
18 or expunction under subsection ~~(4)~~ (5), or fails to act within
19 30 days after receiving the request, ~~as required under subsec-~~
20 ~~tion (4),~~ the department shall hold a hearing to determine by a
21 preponderance of the evidence whether the report or record in
22 whole or in part should be amended or expunged from the central
23 registry on the grounds that the report or record is not relevant
24 or accurate evidence of abuse or neglect. The hearing shall be
25 before a hearing officer appointed by the department and shall be
26 conducted ~~pursuant to~~ AS PRESCRIBED BY the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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1 (7) ~~-(6)-~~ If the investigation of a report conducted under
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 DEPARTMENT SHALL MAINTAIN the information
6 ~~identifying the subject of the report shall be expunged when the~~
7 ~~child alleged to be abused or neglected reaches the age of 18, or~~
8 ~~10 years after the report is received by the department, which~~
9 ~~ever occurs later~~ IN THE CENTRAL REGISTRY UNTIL THE DEPARTMENT
10 RECEIVES RELIABLE INFORMATION THAT THE INDIVIDUAL ALLEGED TO HAVE
11 PERPETRATED THE ABUSE OR NEGLECT IS DEAD.

12 (8) ~~-(7)-~~ In releasing information under this act, the
13 department shall not include a report compiled by a police agency
14 or other law enforcement agency related to an investigation of
15 suspected child abuse or neglect. This subsection does not pre-
16 vent the department from including reports of convictions of
17 crimes related to child abuse or neglect.

18 Enacting section 1. This amendatory act takes effect
19 August 1, 1999.