

**SENATE BILL NO. 1213**

(As amended June 30, 1998)

A bill to amend 1982 PA 294, entitled  
"Friend of the court act,"  
(MCL 552.501 to 552.535) by adding section 20a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 20A. (1) IF THERE IS A COMPELLING NEED FOR RECORDS OR  
2 INFORMATION TO DETERMINE WHETHER CHILD ABUSE OR NEGLECT HAS  
3 OCCURRED OR TO TAKE ACTION TO PROTECT A CHILD WHERE THERE MAY BE  
4 A SUBSTANTIAL RISK OF HARM, THE OFFICE OF THE FRIEND OF THE COURT  
5 SHALL GIVE ACCESS TO A CHILD PROTECTIVE SERVICES CASEWORKER DIRECTLY  
6 INVOLVED IN THE INVESTIGATION, OR TO THE CASEWORKER'S ADMINISTRATOR,  
7 TO FRIEND OF THE COURT RECORDS AND INFORMATION THAT MAY BE RELEVANT  
8 TO THE INVESTIGATION OF ALLEGED CHILD ABUSE OR NEGLECT AND WHICH  
9 ALSO PERTAINS TO A CHILD WHO IS A SUBJECT OF A CHILD ABUSE OR  
10 NEGLECT INVESTIGATION OR PERTAINS TO AN INDIVIDUAL SUSPECTED AS A  
11 PERPETRATOR IN THE INVESTIGATION. A RECORD OR INFORMATION  
DISCLOSED UNDER THIS SECTION SHALL INCLUDE THE IDENTITY OF THE  
INDIVIDUAL TO WHOM THE RECORD OR INFORMATION PERTAINS.



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1 (2) A CASEWORKER OR ADMINISTRATOR SHALL NOT BE GIVEN THE ACCESS  
2 DESCRIBED BY SUBSECTION (1) UNLESS THE CASEWORKER OR ADMINISTRATOR  
3 REQUESTS THE RECORDS AND INFORMATION IN WRITING. WITHIN 14 CAL-  
4 ENDAR DAYS AFTER THE RECORD HOLDER RECEIVES THE WRITTEN REQUEST,  
5 THE OFFICE OF THE FRIEND OF THE COURT SHALL GIVE THAT ACCESS  
6 REGARDLESS OF THE CONSENT OF THE PERSON FROM WHOM CONSENT WOULD  
7 OTHERWISE BE REQUIRED.

8 (3) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY  
9 1964 PA 170, MCL 691.1401 TO 691.1415, AN INDIVIDUAL WHO IN GOOD  
10 FAITH GIVES ACCESS TO A RECORD OR INFORMATION AS REQUIRED BY THIS  
11 SECTION IS IMMUNE FROM CIVIL OR ADMINISTRATIVE LIABILITY ARISING  
12 FROM THAT CONDUCT, UNLESS THE CONDUCT WAS GROSS NEGLIGENCE OR  
13 WILLFUL AND WANTON MISCONDUCT.

14 Enacting section 1. This amendatory act does not take  
15 effect unless Senate Bill No. 1214  
16 of the 89th Legislature is enacted  
17 into law.