

Act No. 192
Public Acts of 2001
Approved by the Governor
December 27, 2001
Filed with the Secretary of State
December 27, 2001
EFFECTIVE DATE: October 1, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. DeRossett, Hummel, George, Woronchak, Vander Veen, Birkholz, Allen, Middaugh, Cassis, Newell, Shackleton, Jelinek, Pumford, Meyer, Richardville, Patterson, Scranton, Kuipers, Sanborn, DeVuyt and Gilbert

ENROLLED HOUSE BILL No. 5280

AN ACT to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency," (MCL 400.1501 to 400.1510) by amending the title and by adding section 11.

The People of the State of Michigan enact:

TITLE

An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act.

Sec. 11. (1) The state or a county may establish an interagency domestic violence fatality review team. Two or more counties may establish a single domestic violence fatality review team for those counties. The purpose of a team is to learn how to prevent domestic violence homicides and suicides by improving the response of individuals and agencies to domestic violence. Subject to the requirements of this section, each team may determine its structure and specific activities.

(2) The fatality review teams may review fatal and near-fatal incidents of domestic violence, including suicides. The review of a domestic violence incident may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by the agencies and individuals related to the incident and the parties, and any other information considered relevant by the team. The team may determine the number and type of incidents it wishes to review and shall make policy and other recommendations as to how incidents of domestic violence may be prevented.

(3) A fatality review team and its members are entitled to the protections granted under this section if the fatality review team is convened under this section and in compliance with the requirements of this section.

(4) A fatality review team established under this section shall include, but is not limited to, the following:

(a) An individual trained in forensic pathology.

(b) A health care professional with training and experience in responding to domestic violence.

(c) A medical examiner.

(d) A prosecuting attorney or a designated assistant prosecuting attorney.

(e) A representative of a domestic violence shelter that receives funding from the Michigan domestic violence prevention and treatment board.

(f) A law enforcement officer.

(5) If a state fatality review team is convened, the state fatality review team shall be convened by the Michigan domestic violence prevention and treatment board.

(6) Subject to subsection (9), information obtained or created by a fatality review team is confidential and not subject to civil discovery or the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Documents created by the fatality review team are not subject to subpoena, except that documents and records otherwise available from other sources are not exempt from subpoena, discovery, or introduction into evidence from other sources solely because they were presented to or reviewed by a fatality review team. Information relevant to the investigation of a crime may be disclosed by a fatality review team only to the prosecuting attorney or to a law enforcement agency. Information required to be reported under the child protection law, 1975 PA 238, MCL 722.621 to 722.638, shall be disclosed by a fatality review team to the family independence agency. A prosecuting attorney, a law enforcement agency, and the family independence agency may use information received under this subsection in carrying out their lawful responsibilities.

(7) An individual who appears before or participates in a fatality review team shall sign a confidentiality agreement acknowledging that any information provided to a fatality review team is confidential, but subject to possible disclosure to the prosecuting attorney, a law enforcement agency, or the family independence agency as provided in subsection (6).

(8) Fatality review team meetings are closed to the public and are not subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Information identifying a victim of domestic violence whose case is being reviewed, or that person's family members, or an alleged or suspected perpetrator of abuse upon the victim, or regarding the involvement of any agency with the victim or that person's family, shall not be disclosed in any report that is available to the public.

(9) Fatality review teams convened under this section shall prepare an annual report of aggregate findings, recommendations, and steps taken to implement recommendations. The report shall not contain information identifying any victim of domestic violence, or that person's family members, or an alleged or suspected perpetrator of abuse upon a victim, or regarding the involvement of any agency with a victim or that person's family. The report shall cover each calendar year or portion of a calendar year during which a fatality review team is convened and the report shall be provided to the Michigan domestic violence prevention and treatment board on or before March 1 of the following year. If the Michigan domestic violence prevention and treatment board develops a form for use by fatality review teams to report annual aggregate findings and recommendations, fatality review teams shall use that form.

(10) A person who violates the confidentiality provisions of this section is guilty of a misdemeanor.

(11) A member of a domestic violence fatality review team or any person providing information to a domestic violence fatality review team shall not be liable for personal injury or property damage sustained by any person as a result of any act or proceeding undertaken or performed within the scope of this section. In addition, a person acting as a member of a domestic violence fatality review team or any person providing information to a domestic violence fatality review team shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good faith performance of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The state, a political subdivision, or, except in cases of willful misconduct, gross negligence, or bad faith, an employee, agent, or representative of the state or a political subdivision, or a domestic violence fatality review team, complying with or reasonably attempting to comply with this act, shall not be liable for personal injury or property damage as a result of any act or proceeding undertaken or performed within the scope of this section.

(12) Subject to available funding, the Michigan domestic violence prevention and treatment board may do any of the following:

(a) Develop a protocol for use by state, county, and multicounty domestic violence fatality review teams.

(b) Develop a form for use by fatality review teams to report annual aggregate findings and recommendations as required in subsection (9).

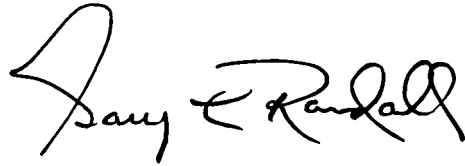
(c) Develop and provide training concerning fatality review teams.

(d) Prepare a report to the governor, the senate, and the house of representatives summarizing the aggregate findings and recommendations of fatality review teams and making recommendations to reduce and eradicate the incidence of domestic violence.

(13) If the Michigan domestic violence prevention and treatment board develops a protocol for use by state, county, and multicounty fatality review teams, the teams shall follow that protocol.

Enacting section 1. This amendatory act takes effect October 1, 2002.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.