

HOUSE BILL No. 4587

April 29, 2003, Introduced by Reps. Clack, Spade, Vagnozzi, Meisner, Condino, Gleason, Woodward, Anderson, Phillips, Minore, Zelenko, Elkins, Plakas, Paletko, Accavitti, Wojno, Hopgood, Lipsey, Gieleghem, Bieda, Hunter, Stallworth, Adamini, Murphy, Williams, Jamnick, Waters, Whitmer, Reeves, Sak, Dennis, Brown, Wenke, Rocca, Vander Veen, Hardman and Daniels and referred to the Committee on Family and Children Services.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7d (MCL 722.627d), as added by 1998 PA 428.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7d. (1) Subject to sections 7c to 7i, at the
2 director's initiative or upon written request, the director may
3 release specified information. If a written request for
4 specified information is submitted to the department, the
5 director shall make a preliminary decision to release or to deny
6 release of the specified information within 14 days after receipt
7 of the request. After notifying the requester, the director may
8 extend that time period for an additional 14 days if the
9 additional time is necessary to research and compile the
10 requested specified information. **However, not more than 28 days**
11 **after the department receives a written request for specified**

1 information, the director shall notify the requestor of the
2 reason for any delay and of the date by which the decision will
3 be made.

4 (2) The director may release specified information under this
5 section if there is clear and convincing evidence that either of
6 the following is true:

7 (a) The release of the specified information is in the best
8 interest of the child to whom the specified information relates.

9 (b) The release of the specified information is not in
10 conflict with the best interest of the child to whom the
11 specified information relates, and 1 or more of the following are
12 true:

13 (i) The release is in the best interest of a member of the
14 child's family or of an individual who resides in the same home
15 in which the child resides. For the purposes of this
16 subparagraph, the child's family includes the child's parents,
17 legal guardians, grandparents, and siblings.

18 (ii) The release clarifies actions taken by the department on
19 a specific case.

20 (iii) The report or record containing the specified
21 information concerns a child who has died or concerns a member of
22 that child's family.

23 (iv) All or part of the report or record containing the
24 specified information is publicly disclosed in a judicial
25 proceeding.

26 (v) A child abuse or neglect complaint or investigation to
27 which the report or record containing the specified information

1 relates has been part of the subject matter of a published or
2 broadcast media story.

3 (vi) The report or record containing the specified
4 information concerns a substantiated report of sexual abuse,
5 serious injury, or life threatening harm involving the child or a
6 sibling of the child identified in the request.