

SUBSTITUTE FOR
SENATE BILL NO. 1412

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7 (MCL 722.627), as amended by 2004 PA 563.

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 (2) Unless made public as specified information released under
4 section 7d, a written report, document, or photograph filed with
5 the department as provided in this act is a confidential record
6 available only to 1 or more of the following:

7 (a) A legally mandated public or private child protective
8 agency investigating a report of known or suspected child abuse or

1 neglect.

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

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

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

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

16 (f) A person named in the report or record as a perpetrator or
17 alleged perpetrator of the child abuse or neglect or a victim who
18 is an adult at the time of the request, if the identity of the
19 reporting person is protected as provided in 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 necessary
23 to conduct the grand jury's official business.

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

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

11 (j) A lawyer-guardian ad litem or other attorney appointed as
12 provided by section 10.

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

23 (l) Family division of circuit court staff authorized by the
24 court to investigate foster care applicants and licensees,
25 employees of foster care applicants and licensees, adult members of
26 the applicant's or licensee's household, and other persons in the
27 home who are directly responsible for the care and welfare of

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

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

7 (n) The children's ombudsman appointed under the children's
8 ombudsman act, 1994 PA 204, MCL 722.921 to ~~722.935~~ **722.932**.

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

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

15 (q) A citizen review panel established by the department.
16 Access under this subdivision is limited to information the
17 department determines is necessary for the panel to carry out its
18 prescribed duties.

19 (r) A child care regulatory agency.

20 (s) A foster care review board for the purpose of meeting the
21 requirements of 1984 PA 422, MCL 722.131 to 722.139a.

22 **(T) THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES**
23 **FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF SECTION 633 OF THE**
24 **ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.**

25 (3) Subject to subsection (9), a person or entity to whom
26 information described in subsection (2) is disclosed shall make the
27 information available only to a person or entity described in

1 subsection (2). This subsection does not require a court proceeding
2 to be closed that otherwise would be open to the public.

3 (4) If the department classifies a report of suspected child
4 abuse or neglect as a central registry case, the department shall
5 maintain a record in the central registry and, within 30 days after
6 the classification, shall notify in writing each person who is
7 named in the record as a perpetrator of the child abuse or neglect.
8 The notice shall set forth the person's right to request expunction
9 of the record and the right to a hearing if the department refuses
10 the request. The notice shall state that the record may be released
11 under section 7d. The notice shall not identify the person
12 reporting the suspected child abuse or neglect.

13 (5) A person who is the subject of a report or record made
14 under this act may request the department to amend an inaccurate
15 report or record from the central registry and local office file. A
16 person who is the subject of a report or record made under this act
17 may request the department to expunge from the central registry a
18 report or record in which no relevant and accurate evidence of
19 abuse or neglect is found to exist. A report or record filed in a
20 local office file is not subject to expunction except as the
21 department authorizes, if considered in the best interest of the
22 child.

23 (6) If the department refuses a request for amendment or
24 expunction under subsection (5), or fails to act within 30 days
25 after receiving the request, the department shall hold a hearing to
26 determine by a preponderance of the evidence whether the report or
27 record in whole or in part should be amended or expunged from the

1 central registry on the grounds that the report or record is not
2 relevant or accurate evidence of abuse or neglect. The hearing
3 shall be held before a hearing officer appointed by the department
4 and shall be conducted as prescribed by the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 (7) If the investigation of a report conducted under this act
7 fails to disclose evidence of abuse or neglect, the information
8 identifying the subject of the report shall be expunged from the
9 central registry. If evidence of abuse or neglect exists, the
10 department shall maintain the information in the central registry
11 until the department receives reliable information that the
12 perpetrator of the abuse or neglect is dead.

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

19 (9) A member or staff member of a citizen review panel shall
20 not disclose identifying information about a specific child
21 protection case to an individual, partnership, corporation,
22 association, governmental entity, or other legal entity. A member
23 or staff member of a citizen review panel is a member of a board,
24 council, commission, or statutorily created task force of a
25 governmental agency for the purposes of section 7 of 1964 PA 170,
26 MCL 691.1407. Information obtained by a citizen review panel is not
27 subject to the freedom of information act, 1976 PA 442, MCL 15.231

1 to 15.246.