

SENATE BILL No. 1412

September 7, 2006, Introduced by Senator SANBORN and referred to the Committee on Families and Human Services.

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
9 neglect.

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

10 (e) A person, agency, or organization, including a
11 multidisciplinary case consultation team, authorized to diagnose,
12 care for, treat, or supervise a child or family who is the subject
13 of 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 or
16 alleged perpetrator of the child abuse or neglect or a victim who
17 is an adult at the time of the request, if the identity of the
18 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 necessary
22 to conduct 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 organization
25 shall not release information identifying a person named in the
26 report or record unless that person's written consent is obtained.
27 The person, agency, or organization shall not conduct a personal

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

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

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

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

1 home for foster care. The court shall disclose this information to
2 the applicant or licensee.

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

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

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

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

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

18 (r) A child care regulatory agency.

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

21 **(T) THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES**
22 **AS PROVIDED IN SUBSECTION (10).**

23 (3) Subject to subsection (9), a person or entity to whom
24 information described in subsection (2) is disclosed shall make the
25 information available only to a person or entity described in
26 subsection (2). This subsection does not require a court proceeding
27 to be closed that otherwise would be open to the public.

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

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

21 (6) If the department refuses a request for amendment or
22 expunction under subsection (5), or fails to act within 30 days
23 after receiving the request, the department shall hold a hearing to
24 determine by a preponderance of the evidence whether the report or
25 record in whole or in part should be amended or expunged from the
26 central registry on the grounds that the report or record is not
27 relevant or accurate evidence of abuse or neglect. The hearing

1 shall be held before a hearing officer appointed by the department
2 and shall be conducted as prescribed by the administrative
3 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

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

17 (9) A member or staff member of a citizen review panel shall
18 not disclose identifying information about a specific child
19 protection case to an individual, partnership, corporation,
20 association, governmental entity, or other legal entity. A member
21 or staff member of a citizen review panel is a member of a board,
22 council, commission, or statutorily created task force of a
23 governmental agency for the purposes of section 7 of 1964 PA 170,
24 MCL 691.1407. Information obtained by a citizen review panel is not
25 subject to the freedom of information act, 1976 PA 442, MCL 15.231
26 to 15.246.

27 (10) **THE DEPARTMENT SHALL PROVIDE INFORMATION FROM THE CENTRAL**

1 REGISTRY TO THE UNITED STATES SECRETARY OF HEALTH AND HUMAN
2 SERVICES THAT COMPLIES WITH THE REQUIREMENTS OF SECTION 633 OF THE
3 ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006. THE INFORMATION
4 PROVIDED SHALL BE REGARDING CASES CLASSIFIED AS CENTRAL REGISTRY
5 CASES AND SHALL BE LIMITED TO THE NAME OF THE PERPETRATOR AND THE
6 NATURE OF THE CENTRAL REGISTRY CASE.