



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 183 (as reported without amendment)
Sponsor: Senator Alan Sanborn
Committee: Families and Human Services

Date Completed: 3-1-07

RATIONALE

The Federal Adam Walsh Child Protection and Security Act was enacted in 2006 to create a national registry of sex offenders, and to establish other measures to enable greater tracking and prosecution of individuals who have committed sex offenses. The Act also includes a provision requiring the U.S. Secretary of Health and Human Services to create a national registry of cases of child abuse or neglect from information supplied by states and Indian tribes. (Please see **BACKGROUND** for a more detailed description of this requirement.)

Michigan law requires the Department of Human Services to maintain an electronic registry of reports of child abuse or neglect that have occurred within the State. It has been suggested that the U.S. Secretary of Health and Human Services should be given access to the registry to meet the requirements of the Adam Walsh Act.

CONTENT

The bill would amend the Child Protection Law (CPL) to give the U.S. Secretary of Health and Human Services access to certain information on perpetrators of child abuse or neglect, for the purpose of complying with Federal law.

The CPL requires certain professionals to report to the Department of Human Services (DHS) if they have reasonable cause to suspect child abuse or neglect. When a report is made, the DHS and law enforcement agencies are subject to various reporting and investigative requirements. The CPL also requires the DHS to maintain a

statewide, electronic central registry of all reports filed with the Department in which relevant and accurate evidence of child abuse or neglect is found to exist.

A report filed with the DHS is a confidential record available only to certain governmental agencies, law enforcement agencies, courts, child care organizations, and authorized individuals. The bill would add the United States Secretary of Health and Human Services to the people to whom a confidential record is available, for the purpose of complying with the requirements of Section 633 of the Adam Walsh Child Protection and Safety Act of 2006.

MCL 722.627

BACKGROUND

Section 633 of the Adam Walsh Child Protection and Safety Act requires the Secretary of Health and Human Services to create a national registry of substantiated cases of child abuse or neglect. The information in the registry must be supplied to the Secretary by states and Indian tribes, or at the option of a state, by political subdivisions of the State. The registry must collect information on individuals reported to states, Indian tribes, and subdivisions of states as perpetrators of a substantiated case of child abuse or neglect.

If a state, Indian tribe, or political subdivision of a state has a similar electronic register of cases of child abuse or neglect, the information provided to the Secretary must be coextensive with the information in that register. The information provided must contain case-specific identifying

information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The central registry in Michigan was created in part as a tool to aid in investigations of child abuse or neglect, or to prevent individuals who have abused or neglected children from working in child care centers or in other places where they would be in contact with children. Because the registry is limited to cases that have occurred within Michigan, an individual who was convicted of child abuse in another state will not show up on the central registry in Michigan. Once it has been created, the Federal registry required under the Adam Walsh Child Protection and Security Act will track child abuse cases that have occurred across the country, preventing an individual from moving from one state to another to hide his or her criminal record. Under that Act, each state that has a similar registry is required to submit that information to the national registry. The bill would authorize the DHS to contribute to the Federal registry, allowing information from Michigan to be combined with information from other states and Indian tribes.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Constance Cole

A0708\6183a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.