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BILL ANALYSIS

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Senate Bills 1418 and 1419 (as introduced 6-26-08)  
Sponsor: Senator Mark C. Jansen (S.B. 1418)  
Senator Bill Hardiman (S.B. 1419)  
Committee: Families and Human Services

Date Completed: 8-11-08

### **CONTENT**

#### **Senate Bill 1418 would amend the Child Protection Law (CPL) to do the following:**

- Require the Department of Human Services (DHS) to notify the local Friend of the Court (FOC) office of an investigation into suspected abuse or neglect of a child, if there were an open FOC case regarding the child.**
- Require the DHS to notify the local FOC office when there was a change in the child's placement, if the Department were aware of an open FOC case involving the child.**
- Remove current restrictions on the availability of central registry information to a local FOC office.**

**Senate Bill 1419 would amend the Friend of the Court Act to require an FOC office, upon being notified by the DHS of an investigation into alleged child abuse or neglect, to notify the DHS of any procedural developments in an open FOC case regarding that child while the case was pending.**

Senate Bill 1419 is tie-barred to Senate Bill 1418, which would take effect October 1, 2008. The bills are described in detail below.

#### **Senate Bill 1418**

##### **Notice Requirements**

The CPL requires certain professionals (including physicians, nurses, psychologists, social workers, teachers, members of the clergy, and regulated child care providers) to report to the 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.

Under the bill, the DHS also would have to determine whether there was an open FOC case regarding a child who was suspected of being abused or neglected. If the DHS determined that there was an open FOC case, it would have to notify the FOC office in the county in which the case was open that an investigation was being conducted under the CPL regarding the child.

In addition, if the DHS were aware of an open FOC case involving a child who was suspected of being abused or neglected, it would have to report to the local FOC office when there was a change in the child's placement.

The DHS also would have to notify parents of a child who was suspected of being abused or neglected of their option to request a change in the child's placement.

### Central Registry

The CPL requires the DHS to maintain a central registry of all reports of alleged child abuse or neglect. A written report, document, or photograph in the central registry is considered a confidential record, available only to certain individuals and entities.

Central registry information is available to a local FOC office if there is a compelling need for Child Protective Services (CPS) records or information to determine custody or parenting time issues regarding a child, subject to certain provisions. A local FOC office investigator, caseworker, or administrator directly involved in the custody investigation must notify the appropriate department or CPS local or central office that a child custody or parenting time investigation has been initiated involving a family and request CPS records and information that are relevant to that investigation.

Within 14 days after receiving the request, the CPS office must release the pertinent records and information to the investigator, caseworker, or administrator directly involved in the child custody or parenting time investigation.

The bill would remove those provisions, and instead permit information in the central registry to be made available to a local FOC office.

### **Senate Bill 1419**

Under the bill, if an office of the FOC received notice from the DHS under the Child Protection Law (as Senate Bill 1418 would require) regarding a child for whom the establishment or modification of custody or parenting time was pending in an open FOC case, the office would have to notify the DHS of procedural developments in the case until a final order regarding the pending custody or parenting time dispute was entered.

MCL 722.627 & 722.628 (S.B. 1418)  
552.520 (S.B. 1419)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

#### **Senate Bill 1418**

The Department of Human Services could experience a moderate increase in administrative costs associated with integrating a check of open Friend of the Court cases into investigations of suspected abuse and neglect.

#### **Senate Bill 1419**

The bill would have no fiscal impact on the Department of Human Services. The bill could result in minor administrative costs for local Friend of the Court offices.

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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.