

Legislative Analysis



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Senate Bill 616 as reported from House committee

Sponsor: Sen. Judith K. Emmons

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors, and Human Services

Complete to 1-25-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 56 of 2018)

SUMMARY:

Senate Bill 616 would amend the Child Protection Law to require that certain confidential records related to a child who is a member of a tribe be made available to a tribal representative or agency acting on behalf of that child or his or her parent or custodian.

Except under specific circumstances described in the Child Protection Law, any report, document, or photograph that is filed with the Department of Health and Human Services under the Law (generally regarding suspected or actual cases of child abuse or neglect) is a confidential record available only to certain individuals and entities enumerated in Section 7.

The bill would amend Section 7 to add to those allowed access to these confidential records a tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian child's tribe, to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian.

Under the bill, "active efforts," "Indian child," "Indian child's tribe," "Indian custodian," and "parent" would mean those terms as defined in the Michigan Indian Family Preservation Act (MCL 712B.3).

The bill would take effect 90 days after its enactment.

MCL 722.627

FISCAL IMPACT:

Senate Bill 616 would have no fiscal impact on the state of Michigan or local units of government

POSITIONS:

Department of Health and Human Services supports the bill. (1-25-18)

A representative of the Sault Ste. Marie Tribe of Chippewa Indians testified in support of the bill. (1-18-18)

Little River Band of Ottawa Indians supports the bill. (1-25-18)

Michigan Judges Association supports the bill. (1-18-18)

Nottawaseppi Huron Band of the Potawatomi supports the bill. (1-18-18)

United Tribes of Michigan supports the bill. (1-18-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.