

HOUSE BILL NO. 5275

August 18, 2021, Introduced by Reps. LaGrand, Stone, Hood, Aiyash, Hope, Tyrone Carter, O'Neal, Weiss, Witwer, Anthony, Kuppa, Bezotte, Huizenga, Rendon, Maddock, Wozniak, Meerman and Yancey and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7j (MCL 722.627j), as amended by 2010 PA 81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7j. (1) The department must maintain a statewide,
2 electronic case management system to carry out the intent of this
3 act. The department may enter into vendor contracts that it
4 considers necessary and proper for implementation, review, and
5 update of the electronic case management system. The department

1 must solicit proposals from entities to provide the services
2 necessary to implement, review, and update the electronic case
3 management system.

4 (2) The department must classify a confirmed case of
5 methamphetamine production, confirmed serious abuse or serious
6 neglect, confirmed sexual abuse, or confirmed sexual exploitation,
7 as a central registry case.

8 (3) Within 30 days after the classification of a central
9 registry case, the department must notify in writing each person
10 who is named in the record as a perpetrator of the confirmed
11 serious abuse or neglect, confirmed sexual abuse, confirmed sexual
12 exploitation, or confirmed case of methamphetamine production. The
13 notice requirements include all of the following:

14 (a) The notice must be sent by registered or certified mail,
15 return receipt requested, and delivery restricted to the addressee.

16 (b) The notice must set forth the person's right to request
17 expunction of the record and the right to a hearing if the
18 department refuses the request.

19 (c) The notice must state that the record may be released
20 under section 7d.

21 (d) The notice must not identify the person reporting the
22 suspected child abuse or child neglect.

23 (4) A person who is the subject of a report or record made
24 under this section may request the department amend or expunge an
25 inaccurate report or record from the central registry and local
26 office file.

27 (5) If the department denies the request to amend or expunge a
28 report, a person who is the subject of a report or record made
29 under this section may, within 180 days from the date of service of

1 notice of the right to a hearing, request the department hold a
2 hearing to review the request for amendment or expunction.

3 (6) The department must hold a hearing to determine by a
4 preponderance of the evidence whether the report or record in whole
5 or in part meets the statutory requirement of confirmed serious
6 abuse or neglect, confirmed sexual abuse, confirmed sexual
7 exploitation, or confirmed case of methamphetamine production and
8 should be amended or expunged from the central registry. The
9 hearing must be held before an administrative law judge and must be
10 conducted as prescribed by the administrative procedures act of
11 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may, for
12 good cause, hold a hearing under this subsection if the department
13 determines that the person who is the subject of the report or
14 record submitted the request for a hearing within 60 days after the
15 180-day notice period expired.

16 (7) If the investigation of a report conducted under this
17 section does not show serious child abuse or child neglect, sexual
18 abuse, sexual exploitation, or methamphetamine production by a
19 preponderance of the evidence, or if a court dismisses a petition
20 based on the merits of the petition filed under section 2(b) of
21 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
22 because the petitioner has failed to establish that the child comes
23 within the jurisdiction of the court, the information identifying
24 the subject of the report must be expunged from the central
25 registry. If a preponderance of evidence of child abuse or child
26 neglect exists, or if a court takes jurisdiction of the child under
27 section 2(b) of chapter XIIIA of the probate code of 1939, 1939 PA
28 288, MCL 712A.2, the department must maintain the information and
29 must maintain the perpetrator's information in the central registry

1 if the case is determined to be a confirmed case of methamphetamine
2 production, confirmed serious abuse or neglect, confirmed sexual
3 abuse, or confirmed sexual exploitation.

4 (8) Except as otherwise provided in this section, the
5 department must maintain the information in the central registry
6 until the department receives reliable information that the
7 perpetrator of the child abuse or child neglect is dead. After an
8 individual has been on the registry for 10 years, the individual
9 has the right to a hearing regarding removal from the registry. The
10 department must hold a hearing to determine by a preponderance of
11 the evidence whether the person should be continued to be listed on
12 the central registry. The hearing must be held before an
13 administrative law judge and must be conducted as prescribed by the
14 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
15 24.328. In this hearing, the burden of proof is on the petitioner
16 attempting to have a listed perpetrator removed from the registry.
17 The petitioner must demonstrate that the perpetrator cannot
18 reasonably be presumed to continue to be a risk to children in the
19 future. The court must take into account the facts and
20 circumstances that resulted in the individual originally being
21 placed on the central registry, but also facts and circumstances in
22 the 10 years following being placed on the central registry that
23 bear on the assessment of the individual's risk to children in the
24 future. For the purpose of this subsection, "reliable information"
25 includes, but is not limited to, information obtained using the
26 United States Social Security death index database.

27 (9) ~~(1) Upon written request, the department may provide to an~~
28 ~~individual, or whoever is appropriate, documentation stating that~~
29 ~~the individual is not named in a central registry case as the~~

~~perpetrator of child abuse or child neglect.~~**confirmation of central registry placement to an individual, office, or agency authorized to receive it.**

(10) ~~(2) An individual~~**A person** or the department may share the document provided in subsection ~~(1)~~**(9)** with whoever is appropriate for the purpose of seeking employment or serving as a volunteer if that employment or volunteer work will include contact with children.

(11) ~~(3) An employer, a person or agency to~~**An individual or organization for** whom ~~an individual~~**a person** is applying for employment, **licensing for a child care organization, or to act as a** volunteer, ~~agency, may,~~ with appropriate authorization and identification, ~~from the individual, may request and receive~~**confirmation of central registry clearance information placement,** if that employment or volunteer work ~~will include~~**includes** contact with children.

(12) **A parent or other person responsible for a child, who has reason to believe another caregiver may place that child at risk, may, with appropriate authorization and identification, receive confirmation of central registry placement of that parent, person responsible, or caregiver.**

(13) ~~(4)~~The department may develop an automated system that will allow ~~an individual~~**a person** applying for child-related employment or seeking to volunteer in a capacity that would allow unsupervised access to a child for whom the ~~individual~~**person** is not a person responsible for that child's health or welfare to be listed in that system if a screening of the ~~individual~~**person** finds that he or she has not been named in a central registry case as the perpetrator of ~~child abuse or child neglect.~~**a confirmed case of**

1 **methamphetamine production, confirmed serious abuse or neglect,**
2 **confirmed sexual abuse, or confirmed sexual exploitation.** The
3 automated system developed under this section ~~shall~~**must** provide
4 for public access to the list of ~~individuals~~**persons** who have been
5 screened for the purposes of complying with this section. An
6 automated system developed under this section ~~shall~~**must** have
7 appropriate safeguards and procedures to ensure that information
8 that is confidential under this act, state law, or federal law is
9 not accessible or disclosed through that system.

10 (14) An action taken to exclude an individual from licensure
11 to provide foster care, child care, or camp services by the child
12 care licensing division of the department of licensing and
13 regulatory affairs or the division of child welfare licensing in
14 the department, or a predecessor agency, in effect before the
15 effective date of the amendatory act that added this subsection,
16 must remain in effect according to its terms, except if an
17 individual is successful in an administrative review or appeal of
18 the exclusionary status in accord with section 9 of 1973 PA 116,
19 MCL 722.119.

20 (15) In addition to the central registry clearance, the
21 department must search children's protective services records to
22 determine if an applicant or licensee, relative, adult member of
23 the household, licensee designee, chief administrator, staff
24 member, or unsupervised volunteer has a children's protective
25 services history before making a licensing or placement
26 determination, or provide clearance for staff employment or a
27 volunteer in a child caring organization.

28 Enacting section 1. This amendatory act takes effect 180 days
29 after the date it is enacted into law.

1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 101st Legislature are
3 enacted into law:

4 (a) Senate Bill No.____ or House Bill No. 5276 (request no.
5 00901'21).

6 (b) Senate Bill No.____ or House Bill No. 5277 (request no.
7 03590'21).

8 (c) Senate Bill No.____ or House Bill No. 5278 (request no.
9 03591'21).

10 (d) Senate Bill No.____ or House Bill No. 5274 (request no.
11 03593'21).