

# HOUSE BILL NO. 5657

December 15, 2021, Introduced by Reps. Reilly and Steven Johnson and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 7b (MCL 722.627b), as amended by 2011 PA 89.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7b. (1) Each county may have in place a standing child  
2 fatality review team. Two or more counties may appoint a single  
3 child fatality review team for those counties. The membership of a  
4 child fatality review team ~~shall~~**must** consist of at least all of  
5 the following:

1 (a) A county medical examiner or deputy county medical  
2 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.

3 (b) A representative of a local law enforcement agency.

4 (c) A representative of the department.

5 (d) The county prosecuting attorney or a designated assistant  
6 county prosecutor.

7 (e) A representative of ~~the department of community health or~~  
8 a local health department.

9 (f) A representative of the local court.

10 (2) A child fatality review team established under subsection  
11 (1) shall review each child fatality occurring in the county or  
12 counties that established the child fatality review team.

13 (3) The department shall make available to each child fatality  
14 review team established under subsection (1) professional,  
15 interagency training and orientation on the review of child  
16 fatalities. The department shall make available, as necessary,  
17 training on specific types of child fatalities, investigation  
18 techniques, and prevention initiatives.

19 (4) The department shall establish a multiagency,  
20 multidisciplinary advisory committee to identify and make  
21 recommendations on policy and statutory changes pertaining to child  
22 fatalities and to guide statewide prevention, education, and  
23 training efforts.

24 (5) The advisory committee created under subsection (4)  
25 consists of the following:

26 (a) ~~Two~~ **Four** representatives of the department.

27 ~~(b) Two representatives of the department of community health.~~

28 **(b)** ~~(e)~~ One county medical examiner.

29 **(c)** ~~(d)~~ One representative of law enforcement.

1           (d) ~~(e)~~—One county prosecuting attorney.

2           (e) ~~(f)~~—The children's ombudsman or his or her designee.

3           (f) ~~(g)~~—A representative of a state or local court.

4           (6) The citizen review panel shall review each child fatality  
5 that involves allegations of child abuse or **child** neglect for each  
6 child who, at the time of death or within the 12 months preceding  
7 the death, was under the court's jurisdiction under section 2(b) of  
8 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

9           (7) Beginning December 31, 2012, and using the annual  
10 compilation of child fatalities reported by the state registrar  
11 under part 28 of the public health code, 1978 PA 368, MCL 333.2801  
12 to 333.2899, and data received from the child fatality review teams  
13 established under subsection (1) and the citizen review panel  
14 established under subsection (6), the advisory committee  
15 established under subsection (4) shall author an annual report on  
16 child fatalities reviewed during the previous calendar year. The  
17 advisory committee shall include in the report, at a minimum, all  
18 of the following:

19           (a) The total number of child fatalities and the type or cause  
20 of each child fatality.

21           (b) The number of child fatalities that occurred while the  
22 child was in foster care.

23           (c) The number of cases where the child's death occurred  
24 within 5 years after family preservation or family reunification.

25           (d) Trends in child fatalities.

26           (8) The advisory committee established under subsection (4)  
27 shall break down the information required under subsection (7) by  
28 county or by groups of counties as described in subsection (1). The  
29 information contained in the report is public information. The

1 advisory committee shall not include identifying information of  
2 persons named in the report. The advisory committee shall transmit  
3 the final report under subsection (7) to the department by December  
4 31 of each year. Not less than 30 days and not more than 60 days  
5 after transmitting the report to the department, the department  
6 shall ensure publication of the report and transmit a copy to the  
7 governor and to the standing committees of the legislature with  
8 jurisdiction over matters pertaining to child protection.

9 (9) Except as provided in subsection (11), information  
10 obtained by a child fatality review team established under  
11 subsection (1) is confidential, **is not subject to the freedom of**  
12 **information act, 1976 PA 442, MCL 15.231 to 15.246,** and may be  
13 disclosed by the child fatality review team only to the **following:**

14 (a) **The** department, the children's ombudsman, the county  
15 prosecutor's office, local law enforcement, or another child  
16 fatality review team. ~~The information is not subject to the freedom~~  
17 ~~of information act, 1976 PA 442, MCL 15.231 to 15.246.~~

18 (b) **As to information concerning the cause of death of a**  
19 **particular child, an individual not found to be criminally**  
20 **responsible for any abuse or neglect of the child who was the**  
21 **child's parent or legal guardian. Upon the individual's request,**  
22 **the child fatality review team shall make the disclosure described**  
23 **in this subdivision.**

24 (10) An individual who is a member of a child fatality review  
25 team established under subsection (1) or of the advisory committee  
26 established under subsection (4) is a member of a board, council,  
27 commission, or statutorily created task force of a governmental  
28 agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407.

29 (11) The department shall establish and maintain a registry of

1 statistical information regarding children's deaths that ~~shall be~~  
2 **is** accessible to the public. The registry created in this section  
3 ~~shall must~~ not disclose any identifying information and ~~shall must~~  
4 only include statistical information covering all of the following:

5 (a) The number of children who died while under court  
6 jurisdiction for child abuse or **child** neglect regardless of  
7 placement setting.

8 (b) The number of children who died as a result of child abuse  
9 or **child** neglect after a parent had 1 or more child protective  
10 services complaints within the 2 years preceding the child's death  
11 and the category dispositions of those complaints.

12 (c) The total number of children as identified in subdivisions  
13 (a) and (b) who died in the preceding year.

14 (d) The child protective services disposition of the child  
15 fatality.