

**SUBSTITUTE FOR
SENATE BILL NO. 999**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7 (MCL 722.627), as amended by 2023 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Unless made public as specified information
2 released under section 7d, a written report, document, or
3 photograph filed with the department as provided in this act is a
4 confidential record available only to 1 or more of the following:
5 (a) A legally mandated public or private child protective
6 agency investigating a report of known or suspected child abuse or
7 child neglect or a legally mandated public or private child
8 protective agency or foster care agency prosecuting a disciplinary
9 action against its own employee involving child protective services

1 or foster care records.

2 (b) A police agency or other law enforcement agency
3 investigating a report of known or suspected child abuse or child
4 neglect.

5 (c) A physician who is treating a child whom the physician
6 reasonably suspects may be abused or neglected.

7 (d) A person legally authorized to place a child in protective
8 custody when the person is confronted with a child whom the person
9 reasonably suspects may be abused or neglected and the confidential
10 record is necessary to determine whether to place the child in
11 protective custody.

12 (e) A person, agency, or organization, including a
13 multidisciplinary case consultation team, authorized to diagnose,
14 care for, treat, or supervise a child or family who is the subject
15 of a report or record under this act, or who is responsible for the
16 child's health or welfare.

17 (f) A person named in the report or record as a perpetrator or
18 alleged perpetrator of the child abuse or child neglect or a victim
19 who is an adult at the time of the request, if the identity of the
20 reporting person is protected as provided in section 5.

21 (g) A court for the purposes of determining the suitability of
22 a person as a minor's guardian or that otherwise determines that
23 the information is necessary to decide an issue before the court,
24 or in the event of a child's death, a court that had jurisdiction
25 over that child under section 2(b) of chapter XIIIA of the probate
26 code of 1939, 1939 PA 288, MCL 712A.2.

27 (h) A grand jury that determines the information is necessary
28 to conduct the grand jury's official business.

29 (i) A person, agency, or organization engaged in a bona fide

1 research or evaluation project. The person, agency, or organization
2 shall not release information identifying a person named in the
3 report or record unless that person's written consent is obtained.
4 The person, agency, or organization shall not conduct a personal
5 interview with a family without the family's prior consent and
6 shall not disclose information that would identify the child or the
7 child's family or other identifying information. The department
8 director may authorize release of information to a person, agency,
9 or organization described in this subdivision if the release
10 contributes to the purposes of this act and the person, agency, or
11 organization has appropriate controls to maintain the
12 confidentiality of personally identifying information for a person
13 named in a report or record made under this act.

14 (j) A lawyer-guardian ad litem or other attorney appointed as
15 provided by section 10.

16 (k) A child placing agency licensed under 1973 PA 116, MCL
17 722.111 to 722.128, for the purpose of investigating an applicant
18 for adoption, a foster care applicant or licensee or an employee of
19 a foster care applicant or licensee, an adult member of an
20 applicant's or licensee's household, or other person in a foster
21 care or adoptive home who is directly responsible for the care and
22 welfare of children, to determine suitability of a home for
23 adoption or foster care. The child placing agency must disclose the
24 information to a foster care applicant or licensee under 1973 PA
25 116, MCL 722.111 to 722.128, or to an applicant for adoption.

26 (l) Family division of circuit court staff authorized by the
27 court to investigate foster care applicants and licensees,
28 employees of foster care applicants and licensees, adult members of
29 the applicant's or licensee's household, and any other person in

1 the home who is directly responsible for the care and welfare of
2 children, for the purpose of determining the suitability of the
3 home for foster care. The court must disclose this information to
4 the applicant or licensee.

5 (m) Subject to section 7a, a standing or select committee or
6 appropriations subcommittee of either house of the legislature
7 having jurisdiction over child protective services matters.

8 (n) The child advocate appointed under the office of the child
9 advocate act, 1994 PA 204, MCL 722.921 to 722.932.

10 (o) A child fatality review team established under section 7b
11 and authorized under that section to investigate and review a child
12 death.

13 (p) A county medical examiner or deputy county medical
14 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the
15 purpose of carrying out ~~his or her~~ **the county medical examiner's or**
16 **deputy county medical examiner's** duties under that act.

17 (q) A citizen review panel established by the department.
18 Access under this subdivision is limited to information the
19 department determines necessary for the panel to carry out its
20 prescribed duties.

21 (r) A child care regulatory agency.

22 (s) A foster care review board for the purpose of meeting the
23 requirements of 1984 PA 422, MCL 722.131 to 722.139a.

24 (t) A local friend of the court office.

25 (u) A department employee actively representing ~~himself or~~
26 ~~herself~~ **themselves** in a disciplinary action, a labor union
27 representative who is actively representing a department employee
28 in a disciplinary action, or an arbitrator or administrative law
29 judge conducting a hearing involving a department employee's

1 dereliction, malfeasance, or misfeasance of duty, for use solely in
2 connection with that action or hearing. Information disclosed under
3 this subdivision must be returned not later than 10 days after the
4 conclusion of the action or hearing. A recipient must not receive
5 further disclosures under this subdivision while ~~he or she~~ **the**
6 **recipient** retains disclosed information beyond the deadline
7 specified for return.

8 (v) A federal or state governmental agency that may, by law,
9 conduct an audit or similar review of the department's activities
10 under this act.

11 (w) A children's advocacy center in the course of providing
12 services to a child alleged to have been the victim of child abuse
13 or child neglect or to that child's family.

14 (x) A tribal representative, agency, or organization,
15 including a multidisciplinary team, authorized by the Indian
16 child's tribe, to care for, diagnose, treat, review, evaluate, or
17 monitor active efforts regarding an Indian child, parent, or Indian
18 custodian. As used in this subdivision, "active efforts", "Indian
19 child", "Indian child's tribe", "Indian custodian", and "parent"
20 mean those terms as defined in section 3 of chapter XIIB of the
21 probate code of 1939, 1939 PA 288, MCL 712B.3.

22 (y) A child caring institution licensed under 1973 PA 116, MCL
23 722.111 to 722.128, for the purpose of investigating an applicant
24 for employment or an employee of a child caring institution to
25 determine suitability of the applicant or employee for initial or
26 continued employment. The child caring institution must disclose
27 the information to the applicant or employee.

28 (2) Subject to subsection (4), a person or entity to whom
29 information described in subsection (1) is disclosed shall make the

1 information available only to a person or entity described in
2 subsection (1). This subsection does not require a court proceeding
3 to be closed that otherwise would be open to the public.

4 (3) In releasing information under this act, the department
5 shall not include a report compiled by a police agency or other law
6 enforcement agency related to an ongoing investigation of suspected
7 child abuse or child neglect. This subsection does not prohibit the
8 department from releasing reports of convictions of crimes related
9 to child abuse or child neglect.

10 (4) A member or staff member of a citizen review panel shall
11 not disclose identifying information about a specific child
12 protection case to an individual, partnership, corporation,
13 association, governmental entity, or other legal entity. A member
14 or staff member of a citizen review panel is a member of a board,
15 council, commission, or statutorily created task force of a
16 governmental agency for the purposes of section 7 of 1964 PA 170,
17 MCL 691.1407. Information obtained by a citizen review panel is not
18 subject to the freedom of information act, 1976 PA 442, MCL 15.231
19 to 15.246.

20 (5) Documents, reports, or records authored by or obtained
21 from another agency or organization ~~shall~~**must** not be released or
22 open for inspection under subsection (1) unless required by other
23 state or federal law, in response to an order issued by a judge,
24 magistrate, or other authorized judicial officer, or unless the
25 documents, reports, or records are requested for a child abuse or
26 child neglect case or for a criminal investigation of a child abuse
27 or child neglect case conducted by law enforcement.

28 (6) Notwithstanding subsection (1), information or records in
29 the possession of the department or the department of licensing and

1 regulatory affairs may be shared to the extent necessary for the
2 proper functioning of the department or the department of licensing
3 and regulatory affairs in administering child welfare or child care
4 organization licensing under 1973 PA 116, MCL 722.111 to 722.128,
5 or in an investigation conducted under section 43b of the social
6 welfare act, 1939 PA 280, MCL 400.43b. Information or records
7 shared under this subsection ~~shall~~**must** not be released by either
8 the department or the department of licensing and regulatory
9 affairs unless otherwise permitted under this act or other state or
10 federal law. Neither the department nor the department of licensing
11 and regulatory affairs shall release or open for inspection any
12 document, report, or record authored by or obtained from another
13 agency or organization unless 1 of the conditions of subsection (5)
14 applies.

15 **(7) Notwithstanding subsection (1) and beginning on the**
16 **effective date of the amendatory act that added this subsection,**
17 **the department may, on request of the media or a member of the**
18 **legislature regarding a specific child abuse or child neglect case,**
19 **confirm or deny the existence or filing of a written report**
20 **regarding that child abuse or child neglect case to the media or a**
21 **member of the legislature. The department director may authorize**
22 **release of information to the media or a member of the legislature**
23 **under sections 7c to 7h if the release contributes to the purposes**
24 **of this act and the media or member of the legislature has**
25 **appropriate controls to maintain the confidentiality of personally**
26 **identifying information for an individual named in a report or**
27 **record made under this act. As used in this subsection, "media"**
28 **means a newspaper, magazine or other periodical, news agency, wire**
29 **service, radio or television station or network, cable or satellite**

1 station or network, or any entity that is in the regular business
2 of news gathering and disseminating news or information to the
3 public.