SENATE BILL NO. 1213

June 11, 1998, Introduced by Senator BYRUM and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1982 PA 294, entitled "Friend of the court act,"

(MCL 552.501 to 552.535) by adding section 20a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 20A. (1) IF THERE IS A COMPELLING NEED FOR RECORDS OR
- 2 INFORMATION TO DETERMINE WHETHER CHILD ABUSE OR NEGLECT HAS
- 3 OCCURRED OR TO TAKE ACTION TO PROTECT A CHILD WHERE THERE MAY BE
- 4 A SUBSTANTIAL RISK OF HARM, THE OFFICE OF THE FRIEND OF THE COURT
- 5 SHALL GIVE ACCESS TO A FAMILY INDEPENDENCE AGENCY EMPLOYEE
- 6 DIRECTLY INVOLVED IN THE INVESTIGATION TO RECORDS AND INFORMATION
- 7 PERTAINING TO A CHILD WHO IS A SUBJECT OF A CHILD ABUSE OR
- 8 NEGLECT INVESTIGATION OR PERTAINING TO AN INDIVIDUAL SUSPECTED AS
- 9 A PERPETRATOR IN THE INVESTIGATION. A RECORD OR INFORMATION
- 10 DISCLOSED UNDER THIS SECTION SHALL INCLUDE THE IDENTITY OF THE
- 11 INDIVIDUAL TO WHOM THE RECORD OR INFORMATION PERTAINS.

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- 1 (2) A DEPARTMENT EMPLOYEE SHALL NOT BE GIVEN THE ACCESS
- 2 DESCRIBED BY SUBSECTION (1) UNLESS THE DEPARTMENT EMPLOYEE
- 3 REQUESTS THE RECORDS AND INFORMATION IN WRITING. WITHIN 14 CAL-
- 4 ENDAR DAYS AFTER THE RECORD HOLDER RECEIVES THE WRITTEN REQUEST,
- 5 THE OFFICE OF THE FRIEND OF THE COURT SHALL GIVE THAT ACCESS
- 6 REGARDLESS OF THE CONSENT OF THE PERSON FROM WHOM CONSENT WOULD
- 7 OTHERWISE BE REQUIRED.
- (3) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
- 9 1964 PA 170, MCL 691.1401 TO 691.1415, AN INDIVIDUAL WHO IN GOOD
- 10 FAITH GIVES ACCESS TO A RECORD OR INFORMATION AS REQUIRED BY THIS
- 11 SECTION IS IMMUNE FROM CIVIL OR ADMINISTRATIVE LIABILITY ARISING
- 12 FROM THAT CONDUCT, UNLESS THE CONDUCT WAS GROSS NEGLIGENCE OR
- 13 WILLFUL AND WANTON MISCONDUCT.
- 14 Enacting section 1. This amendatory act does not take
- 15 effect unless Senate Bill No. 1214
- 16 of the 89th Legislature is enacted
- 17 into law.