

Legislative Analysis



CHILD FATALITY REVIEWS

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House Bill 5702
Sponsor: Rep. Jennifer Haase

House Bill 5704
Sponsor: Rep. Mary Valentine

House Bill 5703
Sponsor: Rep. Dian Slavens

House Bill 5705
Sponsor: Rep. Dan Scripps

Committee: Families and Children's Services

Complete to 3-9-10

A SUMMARY OF HOUSE BILLS 5702-5705 AS INTRODUCED 12-16-09

House Bill 5702 would create a new act known as the Legislative Child Fatality Review Act to establish the Office of the Legislative Child Fatality Examiner within the Legislative Council. House Bill 5702 is tie-barred to House Bill 5703. It is explained in more detail later.

House Bill 5703 would amend the Child Protection Law to require the Department of Human Services to establish and maintain a registry of statistical information regarding children's deaths that would be accessible to the public. It is explained in more detail later.

House Bill 5704 would amend the Child Protection Law to require each county with a child fatality review team to include a representative of the local court as a member its team. The bill would also direct the Department of Human Services to include a representative of a state or local court on its advisory committee on child fatalities.

Also under the bill, a citizen review panel would be required to review each child fatality that involves allegations of child abuse or neglect for each child who, at the time of death or within 12 months preceding the death, was under the court's jurisdiction under Section 2(B) of Chapter XIIA of the Probate Code. That section deals with child neglect and abandonment and unfit homes for children, among other things.

The advisory committee on child fatalities is currently charged with publishing an annual report on child fatalities. The information in the report is public information but cannot include identifying information of individuals named in the report. House Bill 5704 would require the advisory committee to transmit a copy of the report to the Department of Human Services. Between 60 and 90 days after transmitting the report to DHS, the committee would have to publish the report and transmit a copy to the Governor and to the standing committees of the Legislature with jurisdiction over matters of child protection. (Currently, the report must be made available to the Governor and legislative committees, but no mention is made of transmittal to DHS and there is no timetable.)

House Bill 5705 would amend Section 7 of the Child Protection Law, which deals with the statewide, electronic central registry of child abuse and neglect. That section allows the Department of Human Services to release confidential records to certain designated parties. The bill would add to the list so that a written report, document, or photograph that is a confidential record could be released, in the event of a child's death, to a court with jurisdiction over that child under Section 2(B) of Chapter XIIA of the Probate Code. That section deals with child neglect and abandonment and unfit homes for children, among other things.

A more detailed explanation of House Bill 5702 and 5703 follows.

House Bill 5702

As introduced, the bill would do all of the following.

Function of the Examiner:

The Examiner's principal purpose would be to identify specific causes and systemic problems that contribute to the mortality of children in foster care.

The Examiner would be required to review: the reports published by the Office of the Children's Ombudsman; reports by the multiagency, multidisciplinary advisory committee created in the Children Protection Law on child fatalities; information from the new public registry created in the Child Protection Law by House Bill 5703; and any other source of information on a child death that occurs while a child is under a Michigan court's jurisdiction. The Examiner would make a report, upon completion of the review, to the standing committees of the Legislature with jurisdiction over child protection matters.

Function of the Legislative Council Administrator

At the request of both the Senate Majority Leader and the Speaker of the House, the Legislative Council administrator would be required either (1) to contract for the services of a Legislative Child Fatality Examiner or (2) to appoint a designee to serve as the Examiner. The Examiner would serve at the pleasure of the Council.

House Bill 5703

The new registry of statistical information on child deaths created under the bill would be a separate registry from the central registry created in the Section 7 of the act. The registry created in the bill could not disclose any identifying information regarding a child or adult involved in the investigation or incident and would only include statistical information covering all of the following:

- The number of children who died in foster care.
- The number of children who died while under court jurisdiction for child abuse and neglect.
- The number of children who died after having involvement with child protective services.

- The total number of children the three categories above who died in the preceding year.
- A narrative of the manner and cause of death. A narrative provided under this act could not disclose or include any confidential information.
- The number and type of child abuse or neglect complaints against parents before the child's death and, if there was more than one child abuse or neglect complaint in the two years preceding the child's death, the child protective services category, as described, given to each investigated complaint.

MCL 722.621 et seq.

FISCAL IMPACT:

House Bill 5702 establishes the Office of Legislative Child Fatality Examiner within the Legislative Council. The bill could increase state costs to the extent that legislative leadership determines there is a need to contract or appoint staff to research the issue of child mortality in foster care. The amount of the cost increase is indeterminate and would depend on the extent of the prescribed work. As a reference, the Legislative Corrections Ombudsman, which also operates within the Legislative Council, has expenditures of roughly \$400,000 annually.

House Bills 5703 requires the Department of Human Services to establish and maintain a new registry of statistical information on child deaths that would be accessible to the public. According to the Department of Human Services, this information is already collected by child fatality review teams. The bill's requirements could impose some new administrative costs on the Department. However, these costs should not be significant.

House Bills 5704 and 5705 would have no fiscal impact on the state or on local units of government.

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