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House Bill 4385 (Substitute H-1 as passed by the House)
House Bill 4387 (Substitute H-1 as passed by the House)
Sponsor: Representative Margaret O'Brien (H.B. 4385)
Representative Thomas Hooker (H.B. 4387)
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors, and Human Services

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CONTENT

House Bill 4385 (H-1) would amend the Child Protection Law to require the Department of Human Services (DHS), if a child died while under the court's jurisdiction in a suspected abuse or neglect case, to notify the court, the State legislators representing the district in which the court was located, and the Children's Ombudsman. The bill also would require the DHS to notify the Ombudsman within one business day if a child died during an active Child Protective Services (CPS) investigation or an open CPS case, there had been previous complaints about the child's caretaker, or the death could have resulted from abuse or neglect.

House Bill 4387 (H-1) would amend the Child Protection Law to do the following:

- Require a child fatality review team and the advisory committee created under the Law to include a representative of a State or local court.
- Require the citizen review panel to review each child fatality involving allegations of abuse or neglect for each child who, at the time of death or within the prior year, was under the family court's jurisdiction in an abuse or neglect case.
- Require the advisory committee to transmit its annual report of child fatalities to the DHS, and require the Department to ensure the publication of the report between 30 and 60 days after the advisory committee transmitted it.

The bills are described in detail below.

House Bill 4385 (H-1)

Under the bill, if a child who was under the family court's jurisdiction under Section 2(b) of the juvenile code died, the DHS would have to give written or electronic notice within one business day to the court that had jurisdiction over the child at the time of his or her death, the State Senator and State Representative representing the district in which the court was located, and the Children's Ombudsman.

In addition, the DHS would have to notify the Ombudsman within one business day when a child died and any of the following applied:

- The child died during an active CPS investigation or an open CPS case.
- The DHS had received a prior CPS complaint concerning the child's caretaker.
- The death could have resulted from child abuse or neglect.

(Section 2(b) of the juvenile code grants the family division of circuit court jurisdiction in proceedings involving a juvenile under the age of 18 whose parent or legal guardian neglects to provide proper or necessary support, education, medical, surgical or other necessary care; who is subject to a substantial risk of harm to his or her mental well-being; who is abandoned by his or her parents or guardian; or who is without proper custody or guardianship. The court also has jurisdiction over a juvenile whose home or environment is an unfit place to live in because of a parent's or guardian's neglect, cruelty, drunkenness, criminality, or depravity; or whose parent has substantially failed, without good cause, to comply with a limited guardianship plan or a court-structured plan.)

House Bill 4387 (H-1)

The Child Protection Law (CPL) requires each county to have a standing child fatality review team, although two or more counties may appoint a single review team for those counties.

The CPL also requires the DHS to establish a multi-agency, multidisciplinary advisory committee to identify and make recommendations on policy and statutory changes pertaining to child fatalities and to guide statewide prevention, education, and training efforts.

The bill would require a review team and the advisory committee to include a representative of the local court.

The CPL requires the advisory committee to publish an annual report on child fatalities, using an annual compilation of child fatalities reported by the State Registrar under the Public Health Code and data received from the child fatality review teams. The report must include information specified in the Law, and the DHS must transmit it to the Governor and the legislative committees with jurisdiction over child protection matters. The bill would require the advisory committee to transmit the final report to the DHS by December 31 of each year. The DHS would have to ensure publication of the report not less than 30 or more than 60 days after the advisory committee transmitted it to the DHS.

In addition, the bill would require the citizen review panel to review each child fatality involving allegations of child abuse or neglect for each child who, at the time of death or within the preceding 12 months, was under the jurisdiction of the family court in an abuse or neglect case.

(The CPL defines "citizen review panel" (CRP) as a panel established as required by the Federal Child Abuse Prevention and Treatment Act. Pursuant to Federal law, Michigan has a Child Death CRP, a Prevention CRP, and a Child Protective Services, Foster Care, and Adoption CRP.)

Proposed MCL 722.627k (H.B. 4385)
MCL 722.627b (H.B. 4387)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Frances Carley

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.