



HOUSE BILL No. 4731

April 25, 1995, Introduced by Reps. Ryan, Bush, Brackenridge, Dalman, Perricone, Hammerstrom, London, Jersevic, Horton, Byl, Jellema, McManus, Voorhees, Pitoniak, Dobronski, DeMars, Hill, Green, McBryde and Geiger and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7 of Act No. 238 of the Public Acts of 1975, entitled as amended

"Child protection law,"

as amended by Act No. 393 of the Public Acts of 1994, being section 722.627 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 393 of the Public Acts of 1994, being
3 section 722.627 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. (1) The department shall maintain a central regis-
6 try to carry out the intent of this act. A written report, docu-
7 ment, or photograph filed with the department ~~pursuant to~~ AS
8 PROVIDED IN this act is a confidential record available only to 1
9 or more of the following:

1 (a) A legally mandated public or private child protective
2 agency investigating a report of known or suspected child abuse
3 or neglect.

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

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

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

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

18 (f) A person named in the report or record, if the identity
19 of the reporting person is protected ~~pursuant to~~ AS PROVIDED IN
20 section 5.

21 (g) A court that determines the information is necessary to
22 decide an issue before the court.

23 (h) A grand jury that determines the information is neces-
24 sary in the conduct of the grand jury's official business.

25 (i) A person, agency, or organization engaged in a bona fide
26 research or evaluation project, except information identifying a
27 person named in the report or record shall not be made available

1 unless the department has obtained that person's written
2 consent. The person, agency, or organization shall not conduct a
3 personal interview with a family without the family's prior con-
4 sent and shall not disclose information that would identify the
5 child or the child's family or other identifying information.

6 (j) A person appointed as legal counsel pursuant to
7 section 10.

8 (k) A child placing agency licensed under Act No. 116 of the
9 Public Acts of 1973, being sections 722.111 to 722.128 of the
10 Michigan Compiled Laws, for the purpose of investigating an
11 applicant for adoption, a foster care applicant or licensee or an
12 employee of a foster care applicant or licensee, an adult member
13 of an applicant's or licensee's household, or other persons in a
14 foster care or adoptive home who are directly responsible for the
15 care and welfare of children, to determine suitability of a home
16 for adoption or foster care. The child placing agency shall dis-
17 close the information to a foster care applicant or licensee
18 under Act No. 116 of the Public Acts of 1973, or to an applicant
19 for adoption.

20 (l) Juvenile court staff authorized by the court to investi-
21 gate foster care applicants and licensees, employees of foster
22 care applicants and licensees, adult members of the applicant's
23 or licensee's household, and other persons in the home who are
24 directly responsible for the care and welfare of children, for
25 the purpose of determining the suitability of the home for foster
26 care. The court shall disclose this information to the applicant
27 or licensee.

1 (m) Subject to section 7a, a standing or select committee or
2 appropriations subcommittee of either house of the legislature
3 having jurisdiction over protective services matters for
4 children.

5 (n) The children's ombudsman appointed under the children's
6 ombudsman act, Act No. 204 of the Public Acts of 1994, being sec-
7 tions 722.921 to 722.935 of the Michigan Compiled Laws.

8 (O) A MEDICAL EXAMINER APPOINTED UNDER ACT NO. 181 OF THE
9 PUBLIC ACTS OF 1953, BEING SECTIONS 52.201 TO 52.216 OF THE
10 MICHIGAN COMPILED LAWS, FOR THE PURPOSE OF INVESTIGATING THE
11 DEATH OF A CHILD WHO THE MEDICAL EXAMINER SUSPECTS MAY HAVE BEEN
12 ABUSED OR NEGLECTED.

13 (2) A person or entity to whom a report, document, or photo-
14 graph is made available shall make the report, document, or pho-
15 tograph available only to a person or entity described in
16 subsection (1). This subsection shall not be construed to
17 require a court proceeding to be closed that otherwise would be
18 open to the public.

19 (3) If a report of suspected child abuse or neglect is sub-
20 stantiated, the department shall maintain a record in the central
21 registry and, within 30 days after the substantiation, shall
22 notify in writing each individual who is named in the record as a
23 perpetrator of the child abuse or neglect. The notice shall set
24 forth the individual's right to request expunction of the record
25 and the right to a hearing if the department refuses the
26 request. The notice shall not identify the person reporting the
27 suspected child abuse or neglect.

1 (4) A person who is the subject of a report or record made
2 pursuant to this act may request the department to amend an inac-
3 curate report or record from the central registry and local
4 office file. A person who is the subject of a report or record
5 made ~~pursuant to~~ UNDER this act may request the department to
6 expunge from the central registry a report or record in which no
7 relevant and accurate evidence of abuse or neglect is found to
8 exist. A report or record filed in a local office file ~~shall~~
9 IS not ~~be~~ subject to expunction except as the department ~~shall~~
10 ~~authorize~~ AUTHORIZES, when considered in the best interest of
11 the child.

12 (5) If the department refuses a request for amendment or
13 expunction, or fails to act within 30 days after receiving the
14 request, the person shall be granted a hearing to determine by a
15 preponderance of the evidence whether the report or record in
16 whole or in part should be amended or expunged from the central
17 registry on the grounds that the report or record is not relevant
18 or accurate evidence of abuse or neglect. The hearing shall be
19 before a hearing officer appointed by the department and shall be
20 conducted pursuant to the administrative procedures act of 1969,
21 Act No. 306 of the Public Acts of 1969, ~~as amended,~~ being
22 sections 24.201 to 24.328 of the Michigan Compiled Laws.

23 (6) If the investigation of a report conducted ~~pursuant to~~
24 UNDER this act fails to disclose evidence of abuse or neglect,
25 the information identifying the subject of the report shall be
26 expunged from the central registry. If evidence of abuse or
27 neglect exists, the information identifying the subject of the

1 report shall be expunged when the child alleged to be abused or
2 neglected reaches the age of 18, or 10 years after the report is
3 received by the department, whichever occurs later.

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