

SENATE BILL NO. 1214

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

A bill to amend 1975 PA 238, entitled
"Child protection law,"
(MCL 722.621 to 722.638) by adding section 626a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 626A. (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 AND THE LAW ENFORCEMENT INFORMATION NETWORK ESTABLISHED UNDER THE
6 L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163, MCL 28.211 TO
7 28.216, SHALL GIVE ACCESS TO A DEPARTMENT EMPLOYEE DIRECTLY
8 INVOLVED IN THE INVESTIGATION TO RECORDS AND INFORMATION PERTAIN-
9 ING TO A CHILD WHO IS THE SUBJECT OF A CHILD ABUSE OR NEGLECT
10 INVESTIGATION OR PERTAINING TO AN INDIVIDUAL SUSPECTED AS A
11 PERPETRATOR IN THE INVESTIGATION. A RECORD OR INFORMATION

1 DISCLOSED UNDER THIS SECTION SHALL INCLUDE THE IDENTITY OF THE
2 INDIVIDUAL TO WHOM THE RECORD OR INFORMATION PERTAINS.

3 (2) A DEPARTMENT EMPLOYEE SHALL NOT BE GIVEN THE ACCESS
4 DESCRIBED BY SUBSECTION (1) UNLESS THE DEPARTMENT EMPLOYEE
5 REQUESTS THE RECORDS AND INFORMATION IN WRITING. WITHIN 14 CAL-
6 ENDAR DAYS AFTER THE RECORD HOLDER RECEIVES THE WRITTEN REQUEST,
7 THE COURT, THE OFFICE OF THE FRIEND OF THE COURT, OR THE LAW
8 ENFORCEMENT INFORMATION NETWORK ESTABLISHED AS DESCRIBED IN SUB-
9 SECTION (1) SHALL GIVE THAT ACCESS REGARDLESS OF THE CONSENT OF
10 THE PERSON FROM WHOM CONSENT WOULD OTHERWISE BE REQUIRED.

11 (3) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
12 1964 PA 170, MCL 691.1401 TO 691.1415, AN INDIVIDUAL WHO IN GOOD
13 FAITH GIVES ACCESS TO A RECORD OR INFORMATION AS REQUIRED BY THIS
14 SECTION IS IMMUNE FROM CIVIL OR ADMINISTRATIVE LIABILITY ARISING
15 FROM THAT CONDUCT, UNLESS THE CONDUCT WAS GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT.

17 Enacting section 1. This amendatory act does not take
18 effect unless Senate Bill No. 1213
19 of the 89th Legislature
20 is enacted into law.