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BILL ANALYSIS

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Senate Bill 1512 (as introduced 11-29-06)  
Sponsor: Senator Bill Hardiman  
Committee: Families and Human Services

Date Completed: 12-5-06

### **CONTENT**

**The bill would amend the Child Protection Law (CPL) to permit certain confidential records filed with the Department of Human Services (DHS) and Child Protective Services (CPS) to be shared with a local Friend of the Court office if the records were needed to determine custody or visitation issues, and with a child protective agency prosecuting a disciplinary action against an employee. The bill also would allow a child protective agency to seek a court order permitting it to disseminate the information in order to pursue sanctions.**

#### Friend of the Court

The CPL requires the DHS to maintain a central registry of all reports filed with the Department containing relevant and accurate evidence of child abuse or neglect. A written report, document, or photograph filed with the DHS under the CPL is a confidential record available only to certain governmental agencies, law enforcement agencies, courts, and other specified individuals and agencies.

The bill also would make those confidential records available to a local Friend of the Court office if there were a compelling need for child protective service records or information to determine custody or visitation issues regarding a child, or to take action to protect a child if there could be a substantial risk of harm. That authority would be subject to certain provisions of the CPL that provide for confidentiality of the identity of a reporting person, specify that information received under the Law may not be shared except with another person or entity authorized to receive the information, and prescribe penalties for disseminating confidential information improperly.

Under the bill, a local Friend of the Court office investigator, caseworker, or administrator directly involved in the custody investigation would have to notify the appropriate DHS or CPS local or central office that a child custody investigation involving a family had been initiated, and would have to request in writing the CPS records that were pertinent to the investigation. Upon receiving that notification and request, the local CPS office supervisor would have to review CPS information in the office's possession to determine if there were records or information pertinent to that investigation. Within 14 days after receiving the request, the CPS local office would have to release the pertinent records and information to the investigator, caseworker, or administrator who was involved directly in the investigation.

In addition, the bill would authorize CPS to report to the local Friend of the Court office any situation in which a parent made unfounded reports to CPS regarding alleged child abuse or

neglect of his or her child more than three times in one year or on five cumulative reports over several years.

### Child Protective Agency Disciplinary Action

The Code authorizes the release of confidential information from the central registry to a legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect.

Under the bill, that information also would be available to a legally mandated public or private child protective agency or foster care agency prosecuting a disciplinary action against its own employee that involved Child Protective Services or foster care records.

An agency obtaining information under these provisions could seek an order from the court having jurisdiction over the child or from the Family Division of the Ingham County Circuit Court that would allow the agency to disseminate confidential CPS or foster care information in order to pursue sanctions against an employee of the agency for alleged dereliction, malfeasance, or misfeasance of duty, to either of the following:

- A recognized labor union representative of the employee's bargaining unit.
- An arbitrator or an administrative law judge who conducted a hearing involving the employee's alleged dereliction, malfeasance, or misfeasance of duty, to be used only in connection with that hearing.

Information released under these provisions would have to be released in a manner that maintained the greatest degree of confidentiality while allowing a review of employee performance.

MCL 722.627

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government. The Department of Human Services could incur some additional administrative costs related to written requests for child protective services records or other information pertinent to a case to be released in 14 days following the request. At this time, there is insufficient information to determine the exact costs.

Fiscal Analyst: Constance Cole

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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.