

SENATE BILL No. 261

February 18, 2009, Introduced by Senators CROPSEY, PAPPAGEORGE, JANSEN, HARDIMAN, GILBERT, RICHARDVILLE, KAHN and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7b. (1) ~~By January 1, 1999, each~~ **EACH** county may have in
2 place a standing child fatality review team. Two or more counties
3 may appoint a single child fatality review team for those counties.
4 The membership of a child fatality review team shall consist of at
5 least all of the following:

6 (a) A county medical examiner or deputy county medical
7 examiner appointed under ~~1963~~ **1953** PA 181, MCL 52.201 to 52.216.

8 (b) A representative of a local law enforcement agency.

1 (c) A representative of the department.

2 (d) The county prosecuting attorney or a designated assistant
3 county prosecutor.

4 (e) A representative of the department of community health or
5 a local health department.

6 **(F) A REPRESENTATIVE OF THE LOCAL COURT.**

7 (2) A child fatality review team established under subsection
8 (1) shall review each child fatality occurring in the county or
9 counties that established the child fatality review team.

10 (3) The department shall make available to each child fatality
11 review team established under subsection (1) professional,
12 interagency training and orientation on the review of child
13 fatalities. The department shall make available, as necessary,
14 training on specific types of child fatalities, investigation
15 techniques, and prevention initiatives.

16 (4) ~~By January 1, 1998, the~~ ~~THE~~ department shall establish a
17 multiagency, multidisciplinary advisory committee to identify and
18 make recommendations on policy and statutory changes pertaining to
19 child fatalities and to guide statewide prevention, education, and
20 training efforts.

21 (5) The advisory committee created under subsection (4)
22 consists of the following:

23 (a) Two representatives of the ~~family independence agency~~
24 **DEPARTMENT.**

25 (b) Two representatives of the department of community health.

26 (c) One county medical examiner.

27 (d) One representative of law enforcement.

1 (e) One county prosecuting attorney.

2 (f) The children's ombudsman or his or her designee.

3 **(G) A REPRESENTATIVE OF A STATE OR LOCAL COURT.**

4 **(6) THE ADVISORY COMMITTEE CREATED IN SUBSECTION (4) SHALL**
5 **REVIEW EACH CHILD FATALITY THAT INVOLVES A CHILD WHO WAS OR HAD**
6 **BEEN UNDER THE COURT'S JURISDICTION UNDER SECTION 2(B) OF CHAPTER**
7 **XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2.**

8 (7) ~~(6)~~—Using the annual compilation of child fatalities
9 reported by the state registrar under part 28 of the public health
10 code, 1978 PA 368, MCL 333.2801 to 333.2899, and data received from
11 the child fatality review teams established under subsection (1),
12 the advisory committee established under subsection (4) shall
13 publish an annual report on child fatalities. The advisory
14 committee shall include in the report, at a minimum, all of the
15 following:

16 (a) The total number of child fatalities and the type or cause
17 of each child fatality.

18 (b) The number of child fatalities that occurred while the
19 child was in foster care.

20 (c) The number of cases where the child's death occurred
21 within 5 years after family preservation or family reunification.

22 (d) Trends in child fatalities.

23 **(8) ~~(7)~~—The advisory committee established under subsection**
24 **(4) shall break down the information required under subsection ~~(6)~~**
25 **(7) by county or by groups of counties as described in subsection**
26 **(1). The information contained in the report is public information.**
27 The advisory committee shall not include identifying information of

1 persons named in the report. The advisory committee shall transmit
2 a copy of the report required under subsection ~~(6)~~-(7) to the
3 governor and to the standing committees of the legislature with
4 jurisdiction over matters pertaining to child protection. **THE**
5 **ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (4) SHALL PUBLISH**
6 **THE REPORT REQUIRED UNDER SUBSECTION (7) WITHOUT PRIOR APPROVAL**
7 **FROM THE DEPARTMENT.**

8 (9) ~~(8)~~—Information obtained by a child fatality review team
9 established under subsection (1) is confidential and may be
10 disclosed by the child fatality review team only to the department,
11 the children's ombudsman, the county prosecutor's office, local law
12 enforcement, or another child fatality review team. The information
13 is not subject to the freedom of information act, 1976 PA 442, MCL
14 15.231 to 15.246.

15 (10) ~~(9)~~—An individual who is a member of a child fatality
16 review team established under subsection (1) or of the advisory
17 committee established under subsection (4) is a member of a board,
18 council, commission, or statutorily created task force of a
19 governmental agency for the purposes of section 7 of 1964 PA 170,
20 MCL 691.1407.