

Legislative Analysis



CHILD PROTECTION LAW: REVISE CENTRAL REGISTRY RECORDS

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House Bill 5641

Sponsor: Rep. Margaret O'Brien

Committee: Families, Children, and Seniors

Complete to 11-26-12

A SUMMARY OF HOUSE BILL 5641 AS INTRODUCED 5-16-12

The bill would amend Sections 7 and 8d of the Child Protection Law to do the following:

- Require the Department of Human Services to send notice of suspected child abuse or neglect to each person named in the record as a perpetrator by registered or certified mail, return receipt requested, and delivery restricted to the addressee.
- Allow a person who is the subject of a report or record to request the department to hold a hearing to review the request for amendment or expunction of a report or record. The request must be made within 90 days of the service of notice of the right to a hearing. If the request is made within the deadline, the department would have to hold a hearing to determine by a preponderance of the evidence whether the report in whole or in part should be amended or expunged from the central registry. (This replaces the current two-step process whereby a person requests an amendment or expungement and then, if denied, can request a hearing.)
- Specify that the report be expunged from the central registry if the investigation of a report does not show abuse or neglect by a preponderance of the evidence, or if the court dismisses a petition based on the merits of the petition under the Probate Code because the petitioner failed to establish that the child comes within the jurisdiction of the court.
- Require the department to maintain information in the central registry for ten years (rather than until the death of the perpetrator) for a person listed as a category I (court petition required) or category II (child protective services required) perpetrator under Section 8D of the act, with certain exceptions.
- Retain the requirement that some information be retained until the perpetrator's death. This would apply to offenses involving circumstances listed in Sections 17(1) or 18(1). Section 17(1) deals with children who were severely physically injured, sexually abused, or allowed to be exposed to or have contact with methamphetamine production. Section 18(1) deals with, among other things, abandonment; criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate; battering, torture, or other severe

physical abuse; loss or serious impairment of an organ or limb; life threatening injury; and murder or attempted murder.

MCL 722.627 & 722.628d

FISCAL IMPACT:

House Bill 5641 could have a small fiscal cost to the state and no fiscal impact to local units of government. The bill could increase postage costs as current DHS policy allows the notification of a central registry case to be delivered in person. The bill could also increase the number of administrative hearings for requests that are resolved by the local DHS office as permitted by current law. House Bill 5641 would also generate one-time information technology and personnel costs to create the new 10-year central registry.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.