

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 229

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.
- 9 (c) A representative of the department.
- 10 (d) The county prosecuting attorney or a designated assistant

1 county prosecutor.

2 (e) A representative of the department of community health or
3 a local health department.

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

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

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

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

19 (5) The advisory committee created under subsection (4)
20 consists of the following:

21 (a) Two representatives of the ~~family independence agency~~

22 **DEPARTMENT.**

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

24 (c) One county medical examiner.

25 (d) One representative of law enforcement.

26 (e) One county prosecuting attorney.

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

1 (G) A REPRESENTATIVE OF A STATE OR LOCAL COURT.

2 (6) THE CITIZEN REVIEW PANEL SHALL REVIEW EACH CHILD FATALITY
3 THAT INVOLVES ALLEGATIONS OF CHILD ABUSE OR NEGLECT FOR EACH CHILD
4 WHO, AT THE TIME OF DEATH OR WITHIN THE 12 MONTHS PRECEDING THE
5 DEATH, WAS UNDER THE COURT'S JURISDICTION UNDER SECTION 2 (B) OF
6 CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2.

7 (7) ~~(6) Using~~ BEGINNING DECEMBER 31, 2012, AND USING the
8 annual compilation of child fatalities reported by the state
9 registrar under part 28 of the public health code, 1978 PA 368, MCL
10 333.2801 to 333.2899, and data received from the child fatality
11 review teams established under subsection (1) **AND THE CITIZEN**
12 **REVIEW PANEL ESTABLISHED UNDER SUBSECTION (6)**, the advisory
13 committee established under subsection (4) shall ~~publish~~ **AUTHOR** an
14 annual report on child fatalities **REVIEWED DURING THE PREVIOUS**
15 **CALENDAR YEAR**. The advisory committee shall include in the report,
16 at a minimum, all of the following:

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

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

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

23 (d) Trends in child fatalities.

24 (8) ~~(7)~~ The advisory committee established under subsection
25 (4) shall break down the information required under subsection ~~(6)~~
26 (7) by county or by groups of counties as described in subsection
27 (1). The information contained in the report is public information.

1 The advisory committee shall not include identifying information of
2 persons named in the report. The advisory committee **SHALL TRANSMIT**
3 **THE FINAL REPORT UNDER SUBSECTION (7) TO THE DEPARTMENT BY DECEMBER**
4 **31 OF EACH YEAR. NOT LESS THAN 30 DAYS AND NOT MORE THAN 60 DAYS**
5 **AFTER TRANSMITTING THE REPORT TO THE DEPARTMENT, THE DEPARTMENT**
6 shall **ENSURE PUBLICATION OF THE REPORT AND** transmit a copy of the
7 ~~report required under subsection (6)~~ to the governor and to the
8 standing committees of the legislature with jurisdiction over
9 matters pertaining to child protection.

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

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

24 (11) **THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF**
25 **STATISTICAL INFORMATION REGARDING CHILDREN'S DEATHS THAT SHALL BE**
26 **ACCESSIBLE TO THE PUBLIC. THE REGISTRY CREATED IN THIS SECTION**
27 **SHALL NOT DISCLOSE ANY IDENTIFYING INFORMATION AND SHALL ONLY**

1 INCLUDE STATISTICAL INFORMATION COVERING ALL OF THE FOLLOWING:

2 (A) THE NUMBER OF CHILDREN WHO DIED WHILE UNDER COURT
3 JURISDICTION FOR CHILD ABUSE OR NEGLECT REGARDLESS OF PLACEMENT
4 SETTING.

5 (B) THE NUMBER OF CHILDREN WHO DIED AS A RESULT OF CHILD ABUSE
6 OR NEGLECT AFTER A PARENT HAD 1 OR MORE CHILD PROTECTIVE SERVICES
7 COMPLAINTS WITHIN THE 2 YEARS PRECEDING THE CHILD'S DEATH AND THE
8 CATEGORY DISPOSITIONS OF THOSE COMPLAINTS.

9 (C) THE TOTAL NUMBER OF CHILDREN AS IDENTIFIED IN SUBDIVISIONS
10 (A) AND (B) WHO DIED IN THE PRECEDING YEAR.

11 (D) THE CHILD PROTECTIVE SERVICES DISPOSITION OF THE CHILD
12 FATALITY.