

HOUSE BILL No. 4384

March 3, 2011, Introduced by Reps. Kurtz and Opsommer and referred to the Committee on Families, Children, and Seniors.

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

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

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

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

20 (a) Two representatives of the ~~family independence agency~~
21 **DEPARTMENT**.

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

23 (c) One county medical examiner.

24 (d) One representative of law enforcement.

25 (e) One county prosecuting attorney.

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

27 (6) Using the annual compilation of child fatalities reported

1 by the state registrar under part 28 of the public health code,
2 1978 PA 368, MCL 333.2801 to 333.2899, and data received from the
3 child fatality review teams established under subsection (1), the
4 advisory committee established under subsection (4) shall publish
5 an annual report on child fatalities. The advisory committee shall
6 include in the report, at a minimum, all of the following:

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

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

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

13 (d) Trends in child fatalities.

14 (7) The advisory committee established under subsection (4)
15 shall break down the information required under subsection (6) by
16 county or by groups of counties as described in subsection (1). The
17 information contained in the report is public information. The
18 advisory committee shall not include identifying information of
19 persons named in the report. The advisory committee shall transmit
20 a copy of the report required under subsection (6) to the governor
21 and to the standing committees of the legislature with jurisdiction
22 over matters pertaining to child protection.

23 (8) ~~Information~~ **EXCEPT AS PROVIDED IN SUBSECTION (10),**
24 **INFORMATION** obtained by a child fatality review team established
25 under subsection (1) is confidential and may be disclosed by the
26 child fatality review team only to the department, the children's
27 ombudsman, the county prosecutor's office, local law enforcement,

1 or another child fatality review team. The information is not
2 subject to the freedom of information act, 1976 PA 442, MCL 15.231
3 to 15.246.

4 (9) An individual who is a member of a child fatality review
5 team established under subsection (1) or of the advisory committee
6 established under subsection (4) is a member of a board, council,
7 commission, or statutorily created task force of a governmental
8 agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407.

9 (10) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF
10 STATISTICAL INFORMATION REGARDING CHILDREN'S DEATHS THAT SHALL BE
11 ACCESSIBLE TO THE PUBLIC. THE REGISTRY CREATED IN THIS SECTION
12 SHALL BE A SEPARATE REGISTRY FROM THE CENTRAL REGISTRY CREATED IN
13 SECTION 7. THE REGISTRY CREATED IN THIS SECTION SHALL NOT DISCLOSE
14 ANY IDENTIFYING INFORMATION REGARDING A CHILD OR ADULT INVOLVED IN
15 THE INVESTIGATION OR INCIDENT AND SHALL ONLY INCLUDE STATISTICAL
16 INFORMATION COVERING ALL OF THE FOLLOWING:

17 (A) THE NUMBER OF CHILDREN WHO DIED WHILE IN FOSTER CARE.

18 (B) THE NUMBER OF CHILDREN WHO DIED WHILE UNDER COURT
19 JURISDICTION FOR CHILD ABUSE OR NEGLECT.

20 (C) THE NUMBER OF CHILDREN WHO DIED AFTER HAVING INVOLVEMENT
21 WITH CHILD PROTECTIVE SERVICES.

22 (D) THE TOTAL NUMBER OF CHILDREN AS IDENTIFIED IN SUBDIVISIONS
23 (A) TO (C) WHO DIED IN THE PRECEDING YEAR.

24 (E) A NARRATIVE OF THE MANNER AND CAUSE OF DEATH. A NARRATIVE
25 PROVIDED UNDER THIS SUBDIVISION SHALL NOT DISCLOSE OR INCLUDE ANY
26 CONFIDENTIAL INFORMATION.

27 (F) THE NUMBER AND TYPE OF CHILD ABUSE OR NEGLECT COMPLAINTS

1 AGAINST PARENTS BEFORE THE CHILD'S DEATH AND, IF THERE WAS MORE
2 THAN 1 CHILD ABUSE OR NEGLECT COMPLAINT IN THE 2 YEARS PRECEDING
3 THE CHILD'S DEATH, THE CHILD PROTECTIVE SERVICES CATEGORY AS
4 DESCRIBED IN SECTION 8D GIVEN TO EACH INVESTIGATED COMPLAINT.