

Legislative Analysis



CHILD PROTECTION LAW AMENDMENTS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5198

Sponsor: Rep. Michael D. McCready

Committee: Families, Children, and Seniors

Complete to 2-4-14

A SUMMARY OF HOUSE BILL 5198 AS REPORTED FROM COMMITTEE ON 1-22-14

House Bill 5198 would amend Section 7 of the Child Protection Law (MCL 722.627) to allow a confidential record to be made available to department employees actively representing themselves in a disciplinary action, a labor union representative actively representing a departmental employee in a disciplinary action, or to an arbitrator or administrative law judge conducting a hearing involving the employee's [alleged] dereliction, malfeasance, or misfeasance of duty, for use solely in connection with that action or hearing. Such information would have to be returned no later than 10 days after the conclusion of the action or hearing. A recipient could not receive further disclosures while retaining disclosed information beyond the deadline specified for return.

This new language would replace current language that applies to a legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect or a legally mandated public or private child protective agency or foster care agency prosecuting a disciplinary action against its own employee involving child protective services or foster records.

Currently, the statute allows such an agency to seek a court order allowing it to disseminate confidential information to a recognized labor union representative of the employee's bargaining unit, or to an administrative law judge who conducts a hearing involving the employee's alleged dereliction, malfeasance, or misfeasance of duty to be used solely in connection with that hearing. Under House Bill 5198, the current language would be struck and replaced with the language described earlier.

BACKGROUND INFORMATION:

According to committee testimony, the aim of the bill is to streamline the current process for employees who need to gain access to confidential records when involved in disciplinary hearings. Currently, the statute requires the department to go to court to seek release of these records, which is time consuming and requires the payment of court fees. The bill limits the use of the records and the act contains provisions to prevent further dissemination of confidential records.

FISCAL IMPACT:

House Bill 5198 should have a negligible fiscal impact on the state and to local units of government.

POSITIONS:

A representative from the Department of Human Services testified in support of the bill.
(1-22-14)

Legislative Analyst: E. Best
Fiscal Analyst: Kevin Koorstra

■ 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.