

SENATE BILL NO. 910

June 12, 2024, Introduced by Senator HERTEL and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7j, and 8 (MCL 722.622, 722.627j, and 722.628), section 2 as amended by 2022 PA 67, section 7j as amended by 2022 PA 64, and section 8 as amended by 2022 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Adult foster care location authorized to care for a
- 3 child" means an adult foster care family home or adult foster care
- 4 small group home as **those terms are** defined in section 3 of the

1 adult foster care facility licensing act, 1979 PA 218, MCL 400.703,
2 in which a child is placed in accordance with section 5 of 1973 PA
3 116, MCL 722.115.

4 (b) "Attorney" means, if appointed to represent a child under
5 the provisions referenced in section 10, an attorney serving as the
6 child's legal advocate in the manner defined and described in
7 section 13a of chapter XIIIA of the probate code of 1939, 1939 PA
8 288, MCL 712A.13a.

9 (c) "Central registry" means a repository of names of
10 individuals who are identified as perpetrators related to a central
11 registry case in the department's statewide electronic case
12 management system.

13 (d) "Central registry case" means the department confirmed
14 that a person responsible for the child's health or welfare
15 committed serious abuse or neglect, sexual abuse, or sexual
16 exploitation of a child, or allowed a child to be exposed to or
17 have contact with methamphetamine production.

18 (e) "Centralized intake" means the department's statewide
19 centralized processing center for reports of suspected child abuse
20 and child neglect.

21 (f) "Child" means an individual ~~under~~ **who is less than** 18
22 years of age.

23 (g) "Child abuse" means harm or threatened harm to a child's
24 health or welfare that occurs through nonaccidental physical or
25 mental injury, sexual abuse, sexual exploitation, or maltreatment,
26 by a parent, a legal guardian, any other person responsible for the
27 child's health or welfare, a teacher, a teacher's aide, a member of
28 the clergy, or an individual 18 years of age or older who is
29 involved with a youth program.

1 (h) "Child care organization" means that term as defined in
2 section 1 of 1973 PA 116, MCL 722.111.

3 (i) "Child care provider" means an owner, operator, employee,
4 or volunteer of a child care organization or of an adult foster
5 care location authorized to care for a child.

6 (j) "Child care regulatory agency" means the department of
7 licensing and regulatory affairs, the department's division of
8 child welfare licensing, or a successor state department that is
9 responsible for the licensing or registration of child care
10 organizations or the licensing of adult foster care locations
11 authorized to care for a child.

12 (k) "Child neglect" means harm or threatened harm to a child's
13 health or welfare by a parent, legal guardian, or any other person
14 responsible for the child's health or welfare that occurs through
15 either of the following:

16 (i) Negligent treatment, including the failure to provide
17 adequate food, clothing, shelter, or medical care, though
18 financially able to do so, or by the failure to seek financial or
19 other reasonable means to provide adequate food, clothing, shelter,
20 or medical care.

21 (ii) Placing a child at an unreasonable risk to the child's
22 health or welfare by failure of the parent, legal guardian, or
23 other person responsible for the child's health or welfare to
24 intervene to eliminate that risk when that person is able to do so
25 and has, or should have, knowledge of the risk.

26 (l) "Children's advocacy center" means an entity accredited as
27 a child advocacy center by the National Children's Alliance or its
28 successor agency or an entity granted associate or developing
29 membership status by the National Children's Alliance or its

1 successor agency.

2 (m) "Citizen review panel" means a panel established as
3 required by section 5106a of the child abuse prevention and
4 treatment act, 42 USC 5106a.

5 (n) "Confirmed case" means the department has determined, by a
6 preponderance of evidence, that child abuse or child neglect
7 occurred by a person responsible for the child's health, welfare,
8 or care.

9 (o) "Confirmed case of methamphetamine production" means a
10 confirmed case that involved a child's exposure or contact with
11 methamphetamine production.

12 (p) "Confirmed serious abuse or neglect" means a confirmed
13 case of mental injury or physical injury or neglect to a child that
14 involves any of the following:

15 (i) Battering, torture, or other serious physical harm.

16 (ii) Loss or serious impairment of an organ or limb.

17 (iii) Life-threatening injury.

18 (iv) Murder, ~~or~~ attempted murder, **manslaughter, or the death of**
19 **a child.**

20 (v) Serious mental harm.

21 **(vi) Sexual abuse.**

22 (q) "Confirmed sexual abuse" means a confirmed case that
23 involves sexual penetration ~~, or~~ sexual contact ~~, attempted sexual~~
24 ~~penetration, or assault with intent to penetrate~~ as those terms are
25 defined in section 520a of the Michigan penal code, 1931 PA 328,
26 MCL 750.520a, **attempted sexual penetration, assault with intent to**
27 **penetrate, or other sexual abuse.**

28 (r) "Confirmed sexual exploitation" means a confirmed case
29 that involves allowing, permitting, or encouraging a child to

1 engage in prostitution, or allowing, permitting, encouraging, or
2 engaging in the photographing, filming, or depicting of a child
3 engaged in a listed sexual act as that term is defined in section
4 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

5 (s) "Controlled substance" means that term as defined in
6 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

7 (t) "Department" means the department of health and human
8 services.

9 (u) "Director" means the director of the department.

10 (v) "Electronic case management system" means the child
11 protective service information system, that is an internal data
12 system maintained within and by the department.

13 (w) "Expunge" means to physically remove or eliminate and
14 destroy a record or report.

15 (x) "Lawyer-guardian ad litem" means an attorney appointed
16 under section 10 who has the powers and duties referenced by
17 section 10.

18 (y) "Local office file" means the system used to keep a record
19 of a written report, document, or photograph filed with and
20 maintained by a county or a regionally based office of the
21 department.

22 (z) "Member of the clergy" means a priest, minister, rabbi,
23 Christian ~~science~~**Science** practitioner, spiritual leader, or other
24 religious practitioner, or similar functionary of a church, temple,
25 spiritual community, or recognized religious body, denomination, or
26 organization.

27 (aa) "Nonparent adult" means ~~a person who is~~ **an individual** 18
28 years of age or older ~~and who,~~ regardless of the ~~person's~~
29 **individual's** domicile, meets all of the following criteria in

1 relation to a child:

2 (i) Has substantial and regular contact with the child.

3 (ii) Has a close personal relationship with the child's parent
4 or with a person responsible for the child's health or welfare.

5 (iii) Is not the child's parent or ~~a person~~ **an individual**
6 otherwise related to the child by blood or affinity to the third
7 degree.

8 (bb) "Online reporting system" means the electronic system
9 established by the department for individuals identified in section
10 3(1) to report suspected child abuse or child neglect.

11 (cc) "Person responsible for the child's health or welfare"
12 means a parent, legal guardian, individual 18 years of age or older
13 who resides for any length of time in the same home in which the
14 child resides, or, except when used in section 7(1)(e) or 8(8),
15 nonparent adult; or an owner, operator, volunteer, or employee of 1
16 or more of the following:

17 (i) A licensed or registered child care organization.

18 (ii) A licensed or unlicensed adult foster care family home or
19 adult foster care small group home as **those terms are** defined in
20 section 3 of the adult foster care facility licensing act, 1979 PA
21 218, MCL 400.703.

22 (iii) A court-operated facility as approved under section 14 of
23 the social welfare act, 1939 PA 280, MCL 400.14.

24 (dd) "Relevant evidence" means evidence having a tendency to
25 make the existence of a fact that is at issue more probable than it
26 would be without the evidence.

27 (ee) "Serious mental harm" and "serious physical harm" mean
28 those terms as defined in section 136b of the Michigan penal code,
29 1931 PA 328, MCL 750.136b.

1 (ff) "Specified information" means information in a children's
2 protective services case record related specifically to the
3 department's actions in responding to a complaint of child abuse or
4 child neglect. Specified information does not include any of the
5 following:

6 (i) Except as provided in this subparagraph regarding a
7 perpetrator of child abuse or child neglect, personal
8 identification information for any individual identified in a child
9 protective services record. The exclusion of personal
10 identification information as specified information prescribed by
11 this subparagraph does not include personal identification
12 information identifying an individual alleged to have perpetrated
13 child abuse or child neglect, which allegation has been classified
14 as a central registry case.

15 (ii) Information in a police agency report or other law
16 enforcement agency report as provided in section 7(3).

17 (iii) Any other information that is specifically designated as
18 confidential under other law.

19 (iv) Any information not related to the department's actions in
20 responding to a report of child abuse or child neglect.

21 (gg) "Structured decision-making tool" means the department
22 document labeled "DSS-4752 (P3) (3-95)" or a revision of that
23 document that better measures the risk of future harm to a child.

24 (hh) "Substantiated" means a confirmed case.

25 (ii) "Unsubstantiated" means a case that is not confirmed.

26 (jj) **"Youth program" means an event or activity that is**
27 **designed for the participation of minors; is supervised by an**
28 **employee of, or volunteer for, the event or activity; and does not**
29 **take place in the presence of the minors' parents or legal**

1 **guardians.**

2 Sec. 7j. (1) The department ~~must~~**shall** maintain a statewide,
3 electronic case management system to carry out the intent of this
4 act. The department may enter into vendor contracts that it
5 considers necessary and proper for implementation, review, and
6 update of the electronic case management system. The department
7 must solicit proposals from entities to provide the services
8 necessary to implement, review, and update the electronic case
9 management system.

10 (2) The department ~~must~~**shall** classify a confirmed case of
11 methamphetamine production, confirmed serious abuse or neglect,
12 confirmed sexual abuse, or confirmed sexual exploitation, as a
13 central registry case.

14 (3) In addition to a case classified under subsection (2), a
15 court in this state entering an order of conviction for a violation
16 of section 136b of the Michigan penal code, 1931 PA 328, MCL
17 750.136b, a conviction for a violation of chapter LXXVI of the
18 Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520o,
19 involving a minor victim, a conviction for a violation of section
20 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c, and any
21 conviction involving the death of a child must request that the
22 conviction be classified as a central registry case by the
23 department. The department, with cooperation from the state court
24 administrative office, must promulgate rules to regulate this
25 referral process.

26 (4) At any time, an individual who has been placed on the
27 central registry under subsection (3) may request, and the court
28 shall request, an individual's name be removed from the central
29 registry upon the individual prevailing in a motion to the

1 convicting court for **either of** the following reasons:

2 (a) The individual was not convicted of an offense listed
3 under this section.

4 (b) Demonstrating that the individual's conviction of the
5 offense that caused the individual to be placed on the central
6 registry has been expunged.

7 (5) Not more than once every 10 years after an individual has
8 been placed on the central registry under subsection (3), the
9 individual may make a motion to the convicting court to request
10 removal from the central registry. In a hearing on this motion, the
11 individual is presumed to be a risk to children, and the burden is
12 on the individual requesting to be removed from the central
13 registry. If the individual demonstrates that the presumption is
14 unreasonable, the court shall request that the department remove
15 the individual from the central registry.

16 (6) Within 30 days after the classification of a central
17 registry case, the department ~~must~~**shall** notify in writing each
18 person who is named in the record as a perpetrator of the confirmed
19 serious abuse or neglect, confirmed sexual abuse, confirmed sexual
20 exploitation, or confirmed case of methamphetamine production. The
21 notice requirements include all of the following:

22 (a) The notice must be sent by registered or certified mail,
23 return receipt requested, and delivery restricted to the addressee.

24 (b) The notice must set forth the person's right to request
25 expunction of the record and the right to a hearing if the
26 department refuses the request.

27 (c) The notice must state that the record may be released
28 under section 7d.

29 (d) The notice must not identify the person reporting the

1 suspected child abuse or child neglect.

2 (7) An individual who is the subject of a report or record
3 made under this section may request the department **to** amend an
4 inaccurate report or record from the central registry and local
5 office file. This subsection does not apply to an individual for
6 which the court has entered an order of conviction described in
7 subsection (3).

8 (8) If the department denies the **individual's** request to amend
9 a report **or record under subsection (7)**, ~~an-the~~ individual ~~who is~~
10 ~~the subject of a report or record made under this section may,~~
11 within 180 days from the date of service of notice of the right to
12 a hearing, request the department hold a hearing to review the
13 request for amendment. This subsection does not apply to an
14 individual for which the court has entered an order of conviction
15 described in subsection (3).

16 (9) The department must hold a hearing to determine by a
17 preponderance of the evidence whether the report or record in whole
18 or in part meets the statutory requirement of confirmed serious
19 abuse or neglect, confirmed sexual abuse, confirmed sexual
20 exploitation, or confirmed case of methamphetamine production and
21 should be amended or expunged from the central registry. The
22 hearing must be held before an administrative law judge and ~~must be~~
23 conducted as prescribed by the administrative procedures act of
24 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may, for
25 good cause, hold a hearing under this subsection if the department
26 determines that the ~~person~~**individual** who is the subject of the
27 report or record submitted the request for a hearing within 60 days
28 after the 180-day notice period expired. This subsection does not
29 apply to an individual for which the court has entered an order of

1 conviction described in subsection (3).

2 (10) If the investigation of a report conducted under this
3 section does not show serious child abuse or child neglect, sexual
4 abuse, sexual exploitation, or methamphetamine production by a
5 preponderance of the evidence, or if a court dismisses a petition
6 based on the merits of the petition filed under section 2(b) of
7 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
8 because the petitioner has failed to establish, or a court has
9 failed to find, that the child comes within the jurisdiction of the
10 court following an adjudication hearing, the information
11 identifying the subject of the report must be expunged from the
12 central registry after a party has exhausted all appellate remedies
13 and an appellate review does not find that the child is within the
14 jurisdiction of the court. If a preponderance of evidence of child
15 abuse or child neglect exists, or if a court takes jurisdiction of
16 the child under section 2(b) of chapter XIIIA of the probate code of
17 1939, 1939 PA 288, MCL 712A.2, the department must maintain the
18 information and must maintain the perpetrator's information in the
19 central registry if the case is determined to be a confirmed case
20 of methamphetamine production, confirmed serious abuse or neglect,
21 confirmed sexual abuse, or confirmed sexual exploitation. This
22 subsection does not apply to an individual for which the court has
23 entered an order of conviction described in subsection (3).

24 (11) Except as otherwise provided in this section, the
25 department ~~must~~**shall** maintain the information in the central
26 registry until the department receives reliable information that
27 the perpetrator is dead. Not more than once every 10 years after an
28 individual has been listed on the central registry, the individual
29 may request a hearing regarding removal from the central registry.

1 Except for confirmed sexual abuse or confirmed sexual exploitation,
2 the department must hold a hearing to determine whether the
3 information should be maintained on the central registry. The
4 hearing must be held before an administrative law judge and ~~must be~~
5 conducted as prescribed by the administrative procedures act of
6 1969, 1969 PA 306, MCL 24.201 to 24.328. In this hearing, the
7 individual is presumed to be a risk to children and the burden of
8 proof is on the individual requesting to be removed from the
9 central registry. If the individual demonstrates by a preponderance
10 of the evidence that the presumption is unreasonable, then the
11 information must be expunged from the central registry. The facts
12 and circumstances as determined by the department or an
13 administrative law judge on review of the department's decision
14 that resulted in the individual originally being placed on the
15 central registry are not subject to review. The administrative law
16 judge shall take into account the facts and circumstances in the
17 years since the individual was listed on the central registry that
18 bear on the assessment of the individual's risk to children in the
19 future. ~~For the purpose of~~ **As used in** this subsection, "reliable
20 information" includes, but is not limited to, information obtained
21 using the United States Social Security death index database. This
22 subsection does not apply to an individual for which the court has
23 entered an order of conviction described in subsection (3).

24 (12) ~~Upon~~ **On** written request, the department may provide
25 confirmation of central registry placement to an individual,
26 office, or agency authorized to receive it.

27 (13) A person or the department may share the document
28 provided in subsection (12) with whoever is appropriate for the
29 purpose of seeking employment or serving as a volunteer if that

1 employment or volunteer work will include **unsupervised** contact with
2 children.

3 (14) An individual or organization for whom a person is
4 applying for employment, licensing for a child care organization,
5 or to act as a volunteer, may, with appropriate authorization and
6 identification, request and receive confirmation of central
7 registry placement, if that employment or volunteer work includes
8 **unsupervised** contact with children.

9 (15) A parent or other person responsible for a child, who has
10 reason to believe another caregiver may place that child at risk,
11 may, with appropriate authorization and identification, receive
12 confirmation of central registry placement of that parent, person
13 responsible, or caregiver. This request must be made through the
14 office of the friend of the court created in section 3 of the
15 friend of the court act, 1982 PA 294, MCL 552.503.

16 (16) The department may develop an automated system that will
17 allow a person applying for child-related employment or seeking to
18 volunteer in a capacity that would allow unsupervised access to a
19 child for whom the person is not a person responsible for that
20 child's health or welfare to be listed in that system if a
21 screening of the person finds that ~~he or she~~ **the person** has not
22 been named in a central registry case as the perpetrator of a
23 confirmed case of methamphetamine production, confirmed serious
24 abuse or neglect, confirmed sexual abuse, or confirmed sexual
25 exploitation. The automated system developed under this section
26 must provide for public access to the list of persons ~~who~~ **that** have
27 been screened for the purposes of complying with this section. An
28 automated system developed under this section must have appropriate
29 safeguards and procedures to ensure that information that is

1 confidential under this act, state law, or federal law is not
2 accessible or disclosed through that system.

3 (17) An action taken to exclude an individual from licensure
4 to provide foster care, child care, or camp services by the
5 department of licensing and regulatory affairs or the division of
6 child welfare licensing in the department, or a predecessor agency,
7 in effect before ~~the effective date of the amendatory act that~~
8 ~~added this subsection,~~ **November 1, 2022**, must remain in effect
9 according to its terms, except if an individual is successful in an
10 administrative review or appeal of the exclusionary status in
11 accord with section 9 of 1973 PA 116, MCL 722.119.

12 (18) In addition to the central registry clearance, the
13 department must search children's protective services records to
14 determine if an applicant or licensee, relative, adult member of
15 the household, licensee designee, chief administrator, staff
16 member, or unsupervised volunteer has a children's protective
17 services history before making a licensing or placement
18 determination, or provide clearance for staff employment or a
19 volunteer in a child caring organization.

20 Sec. 8. (1) Within 24 hours after receiving a report made
21 under this act, the department must refer the report to the
22 prosecuting attorney and the local law enforcement agency if the
23 report meets the requirements of subsection (3)(a), (b), or (c) or
24 section 3(6) or (9) or must commence an investigation of the child
25 suspected of being abused or neglected. Within 24 hours after
26 receiving a report whether from the reporting person or from the
27 department under subsection (3)(a), (b), or (c) or section 3(6) or
28 (9), the local law enforcement agency must refer the report to the
29 department, if the report meets the requirements of section 3(7),

1 or must commence an investigation of the child suspected of being
2 abused or neglected or exposed to or who has had contact with
3 methamphetamine production. If the child suspected of being abused
4 or exposed to or who has had contact with methamphetamine
5 production is not in the physical custody of the parent or legal
6 guardian and informing the parent or legal guardian would not
7 endanger the child's health or welfare, the local law enforcement
8 agency or the department must inform the child's parent or legal
9 guardian of the investigation as soon as the local law enforcement
10 agency or the department discovers the identity of the child's
11 parent or legal guardian.

12 (2) In the course of its investigation, the department must
13 determine if the child is abused or neglected. The department must
14 cooperate with law enforcement officials, courts of competent
15 jurisdiction, and appropriate state agencies providing human
16 services in relation to preventing, identifying, and treating child
17 abuse and child neglect; must provide, enlist, and coordinate the
18 necessary services, directly or through purchasing services from
19 other agencies and professions; and must take necessary action to
20 prevent further abuses, to safeguard and enhance the child's
21 welfare, and to preserve family life where possible. In the course
22 of an investigation, at the time that a department investigator
23 contacts an individual about whom a report has been made under this
24 act or contacts an individual responsible for the health or welfare
25 of a child about whom a report has been made under this act, the
26 department investigator must advise that individual of the
27 department investigator's name, whom the department investigator
28 represents, and the specific complaints or allegations made against
29 the individual. The department must ensure that its policies,

1 procedures, and administrative rules ensure compliance with this
2 act.

3 (3) In conducting its investigation, the department must seek
4 the assistance of and cooperate with law enforcement officials
5 within 24 hours after becoming aware that 1 or more of the
6 following conditions exist:

7 (a) Child abuse or child neglect is the suspected cause of a
8 child's death.

9 (b) The child is the victim of suspected sexual abuse or
10 sexual exploitation.

11 (c) Child abuse or child neglect resulting in serious physical
12 harm to the child.

13 (d) Law enforcement intervention is necessary for the
14 protection of the child, a department employee, or another person
15 involved in the investigation.

16 (e) The alleged perpetrator of the child's injury is not a
17 person responsible for the child's health or welfare.

18 (f) The child has been exposed to or had contact with
19 methamphetamine production.

20 (4) Law enforcement officials must cooperate with the
21 department in conducting investigations under subsections (1) and
22 (3) and must comply with sections 5 and 7. The department and law
23 enforcement officials must conduct investigations in compliance
24 with the protocols adopted and implemented as required by
25 subsection (6).

26 (5) Involvement of law enforcement officials under this
27 section does not relieve or prevent the department from proceeding
28 with its investigation or treatment if there is reasonable cause to
29 suspect that the child abuse or child neglect was committed by a

1 person responsible for the child's health or welfare.

2 (6) In each county, the prosecuting attorney and the
3 department must develop and establish procedures for involving law
4 enforcement officials and children's advocacy centers, as
5 appropriate, as provided in this section. In each county, the
6 prosecuting attorney and the department must adopt and implement
7 standard child abuse and child neglect investigation and interview
8 protocols using, as a model, the protocols developed by the
9 governor's task force on children's justice as published in FIA
10 Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or
11 an updated version of those publications.

12 (7) If there is reasonable cause to suspect that a child in
13 the care of or under the control of a public or private agency,
14 institution, or facility is an abused or neglected child, the
15 agency, institution, or facility must be investigated by an agency
16 administratively independent of the agency, institution, or
17 facility being investigated. If the investigation produces evidence
18 of a violation of section 145c or sections 520b to 520g of the
19 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to
20 750.520g, the investigating agency must transmit a copy of the
21 results of the investigation to the prosecuting attorney of the
22 county in which the agency, institution, or facility is located.

23 (8) A school or other institution must cooperate with the
24 department during an investigation of a report of child abuse or
25 child neglect. Cooperation includes allowing access to the child
26 without parental consent if access is determined by the department
27 to be necessary to complete the investigation or to prevent child
28 abuse or child neglect of the child. The department ~~must~~**shall**
29 notify the person responsible for the child's health or welfare

1 about the department's contact with the child at the time or as
2 soon afterward as the person can be reached. The department may
3 delay the notice if the notice would compromise the safety of the
4 child or child's siblings or the integrity of the investigation,
5 but only for the time 1 of those conditions exists.

6 (9) If the department has contact with a child in a school,
7 all of the following apply:

8 (a) Before contact with the child, the department investigator
9 must review with the designated school staff person the
10 department's responsibilities under this act and the investigation
11 procedure.

12 (b) After contact with the child, the department investigator
13 must meet with the designated school staff person and the child
14 about the response the department will take as a result of contact
15 with the child. The department may also meet with the designated
16 school staff person without the child present and share additional
17 information the investigator determines may be shared subject to
18 the confidentiality provisions of this act.

19 (c) Lack of cooperation by the school does not relieve or
20 prevent the department from proceeding with its responsibilities
21 under this act.

22 (10) A child must not be subjected to a search at a school
23 that requires the child to remove ~~his or her~~ **the child's** clothing
24 to expose ~~his buttocks or genitalia or her~~ **the child's** breasts,
25 buttocks, or genitalia unless the department has obtained an order
26 from a court of competent jurisdiction permitting that search. If
27 the access occurs within a hospital, the investigation must be
28 conducted so as not to interfere with the medical treatment of the
29 child or other patients.

1 (11) The department must enter each report made under this act
2 that is the subject of a field investigation into the electronic
3 case management system. The department ~~must~~**shall** maintain a report
4 entered on the electronic case management system as required by
5 this subsection until the child about whom the investigation is
6 made is 18 years old or until 10 years after the investigation is
7 commenced, whichever is later, or, if the case is classified as a
8 central registry case, until the department receives reliable
9 information that the perpetrator of the child abuse or child
10 neglect is dead. Unless made public as specified information
11 released under section 7d, a report that is maintained on the
12 electronic case management system is confidential and is not
13 subject to the disclosure requirements of the freedom of
14 information act, 1976 PA 442, MCL 15.231 to 15.246.

15 (12) After completing a field investigation and based on its
16 results, the department must determine in which single category,
17 prescribed by section 8d, to classify the allegation of child abuse
18 or child neglect and determine whether the child abuse or child
19 neglect must be classified as a central registry case.

20 (13) A person who is the subject of a report or record made
21 under this section in which the violation does not result in being
22 placed on the central registry, but is categorized as a category I,
23 II, or III case under section 8d, may request the department amend
24 an inaccurate report or record from the local office file. Within
25 30 days after the classification of a confirmed case that does not
26 result in being placed on the central registry, the department ~~must~~
27 **shall** notify in writing each person who is named in the report or
28 record as a perpetrator of ~~confirmed serious~~**child** abuse or **child**
29 neglect. This notice requirement includes all the following:

1 (a) Must be sent by first-class mail to the identified
2 perpetrator.

3 (b) Must set forth the person's right to request amendment of
4 the record and the right to an administrative review conducted by
5 the department.

6 (c) Must state that the record may be released under section
7 7d, and may impact future employment or licensing opportunities.

8 (d) Must not identify the person reporting the suspected child
9 abuse or child neglect.

10 (14) The request described in subsection (13) must be made
11 within 180 days after the date of service of notice. ~~of a confirmed~~
12 ~~serious abuse or neglect.~~ The department may, for good cause,
13 extend the time frame for the request after the 180-day notice if
14 the department determines that the person who is the subject of the
15 report or record submitted the request for an administrative review
16 within 60 days after the 180-day notice period expired. The
17 department must create an administrative process to determine
18 whether the report or record should be amended.

19 (15) Except as provided in subsection (16), upon completion of
20 the investigation by the local law enforcement agency or the
21 department, the law enforcement agency or department may inform the
22 person who made the report as to the disposition of the report.

23 (16) If the person who made the report is mandated to report
24 under section 3, upon completion of the investigation by the
25 department, the department must inform the person in writing as to
26 the disposition of the case and must include in the information at
27 least all of the following:

28 (a) What determination the department made under subsection
29 (12) and the rationale for that decision.

1 (b) Whether legal action was commenced and, if so, the nature
2 of that action.

3 (c) Notification that the information being conveyed is
4 confidential.

5 (17) Information sent under subsection (16) must not include
6 personally identifying information for a person named in a report
7 or record made under this act.

8 (18) Unless section 5 of chapter XII of the probate code of
9 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the
10 department, the surrender of a newborn in compliance with chapter
11 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,
12 is not reasonable cause to suspect child abuse or child neglect and
13 is not subject to the section 3 reporting requirement. This
14 subsection does not apply to circumstances that arise on or after
15 the date that chapter XII of the probate code of 1939, 1939 PA 288,
16 MCL 712.1 to 712.20, is repealed. This subsection applies to a
17 newborn whose birth is described in the born alive infant
18 protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is
19 considered to be a newborn surrendered under the safe delivery of
20 newborns law as provided in section 3 of chapter XII of the probate
21 code of 1939, 1939 PA 288, MCL 712.3.

22 (19) All department employees involved in investigating child
23 abuse or child neglect cases must be trained in the legal duties to
24 protect the state and federal constitutional and statutory rights
25 of children and families from the initial contact of an
26 investigation through the time services are provided.

27 (20) The department must determine whether there is an open
28 friend of the court case regarding a child who is suspected of
29 being abused or neglected if a child protective services

1 investigation of child abuse and child neglect allegations result
2 in any of the following dispositions:

3 (a) A finding that a preponderance of evidence indicates that
4 there has been child abuse or child neglect.

5 (b) Emergency removal of the child for child abuse or child
6 neglect before the investigation is completed.

7 (c) The family court takes jurisdiction on a petition and a
8 child is maintained in ~~his or her~~ **the child's** own home under the
9 supervision of the department.

10 (d) If 1 or more children residing in the home are removed and
11 1 or more children remain in the home.

12 (e) Any other circumstances that the department determines are
13 applicable and related to child safety.

14 (21) If the department determines that there is an open friend
15 of the court case and the provisions of subsection (20) apply, the
16 department ~~must~~ **shall** notify the office of the friend of the court
17 in the county in which the friend of the court case is open that
18 there is an investigation being conducted under this act regarding
19 that child and must also report to the local friend of the court
20 office when there is a change in that child's placement.

21 (22) Child protective services may report to the local friend
22 of the court office any situation in which a parent, more than 3
23 times within 1 year or on 5 cumulative reports over several years,
24 made unfounded reports to child protective services regarding
25 alleged child abuse or child neglect of ~~his or her~~ **the parent's**
26 child.

27 (23) If the department determines that there is an open friend
28 of the court case, the department must provide a noncustodial
29 parent of a child who is suspected of being abused or neglected

- 1 with the form developed by the department that has information on
- 2 how to change a custody or parenting time court order.