CHILD PROTECTION LAW

Act 238 of 1975

AN ACT to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989

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The People of the State of Michigan enact:

722.621 Short title.

Sec. 1.

This act shall be known and may be cited as the "child protection law".

History: 1975, Act 238, Eff. Oct. 1, 1975

722.622 Definitions.

Sec. 2.

As used in this act:

(a) "Adult foster care location authorized to care for a child" means an adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703, in which a child is placed in accordance with section 5 of 1973 PA 116, MCL 722.115.

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

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

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

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

(f) "Child" means an individual under 18 years of age.

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

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

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

(j) "Child care regulatory agency" means the department of licensing and regulatory affairs, the department's

division of child welfare licensing, or a successor state department that is responsible for the licensing or registration of child care organizations or the licensing of adult foster care locations authorized to care for a child.

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

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

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

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

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

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

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

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

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

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

(iii) Life-threatening injury.

(iv) Murder or attempted murder.

(v) Serious mental harm.

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

(r) "Confirmed sexual exploitation" means a confirmed case that involves allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as that term is defined in section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

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

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

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

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

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

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

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

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

(aa) "Nonparent adult" means a person who is 18 years of age or older and who, regardless of the person's domicile, meets all of the following criteria in relation to a child:

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

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

(iii) Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree.

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

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

(i) A licensed or registered child care organization.

(ii) A licensed or unlicensed adult foster care family home or adult foster care small group home as defined in

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section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

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

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

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

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

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

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

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

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

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

(hh) "Substantiated" means a confirmed case.

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

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History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1978, Act 252, Eff. Mar. 30, 1979 ;-- Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989 ;-- Am. 1990, Act 212, Imd. Eff. Sept. 27, 1990 ;-- Am. 1993, Act 251, Imd. Eff. Nov. 24, 1993 ;-- Am. 1996, Act 581, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 1998, Act 483, Eff. Mar. 1, 1999 ;-- Am. 1998, Act 484, Eff. July 1, 1999 ;-- Am. 1998, Act 531, Eff. July 1, 1999 ;-- Am. 2000, Act 45, Imd. Eff. Mar. 27, 2000 ;-- Am. 2002, Act 661, Imd. Eff. Dec. 23, 2002 ;-- Am. 2002, Act 693, Eff. Mar. 1, 2003 ;-- Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005 ;-- Am. 2014, Act 30, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 35, Imd. Eff. Mar. 8, 2016 ;-- Am. 2016, Act 491, Eff. Apr. 6, 2017 ;-- Am. 2018, Act 59, Eff. June 12, 2018 ;-- Am. 2022, Act 67, Eff. Nov. 1, 2022

722.623 Individual required to report child abuse or neglect; report by telephone or online reporting system; written report; contents; transmitting report to centralized intake; copies to prosecuting attorney and probate court; conditions requiring transmission of report to law enforcement agency; pregnancy or presence of sexually transmitted infection in child less than 12 years of age; exposure to or contact with methamphetamine production.

Sec. 3.

(1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, physical therapist, physical therapist assistant, occupational therapist, athletic trainer, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect shall make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. Within 72 hours after making an oral report by telephone to centralized intake, the reporting person shall file a written report as required in this act. If the immediate report has been made using the online reporting system and that report includes the information required in a written report under subsection (2), that report is considered a written report for the purposes of this section and no additional written report is required. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written or electronic report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the

hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school is adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

(b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or child neglect shall make a report of suspected child abuse or child neglect to the department in the same manner as required under subdivision (a):

(i) Eligibility specialist.

(ii) Family independence manager.

(iii) Family independence specialist.

(iv) Social services specialist.

(v) Social work specialist.

(vi) Social work specialist manager.

(vii) Welfare services specialist.

(c) Any employee of an organization or entity that, as a result of federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a state mandate or court order. A person required to report under this subdivision shall report in the same manner as required under subdivision (a).

(2) The written report or a report made using the online reporting system must contain the name of the child and a description of the child abuse or child neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the child abuse or child neglect, and the manner in which the child abuse or child neglect occurred.

(3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.

(4) The written report required in this section must be mailed or otherwise transmitted to centralized intake.

(5) Upon receipt of a written report of suspected child abuse or child neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child suspected of being abused or neglected resides and is found.

(6) If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of section 136b, 145c, 462a to 462h, or 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.462a to 750.462h, and 750.520b to 750.520g, or a violation of section 7401c of the public health code, 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred, or if the allegation, written report, or subsequent investigation indicates that the suspected child abuse or child neglect was committed by an individual who is not a person responsible for the child's health or welfare, including, but not limited to, a member of the clergy, a teacher, a teacher's aide, or an individual 18 years of age or older who is involved in a youth program, the department must transmit a copy of the allegation or written report and the results of any investigation to a law enforcement agency in the county in which the incident occurred. If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected child abuse or child neglect is a child care provider and the department believes that the report has basis in fact, the department shall, within 24 hours after completion of the allegation, written report, or subsequent investigation, transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child.

(7) If a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect or discovers evidence of or receives a report of an individual allowing a child to be exposed to or to have contact with methamphetamine production, and the allegation, written report, or subsequent investigation indicates that the child abuse or child neglect or allowing a child to be exposed to or to have contact with methamphetamine production, was committed by a person responsible for the child's health or welfare, the local law enforcement agency shall refer the allegation or provide a copy of the written report and the results of any investigation to the county department of the county in which the abused or neglected child is found, as required by subsection (1)(a). If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected child abuse or child neglect or allowed a child to be exposed to or to have contact with methamphetamine production, is a child care provider and the local law enforcement agency believes that the report has basis in fact, the local law enforcement agency shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child. Neither this subsection nor subsection (1) relieves the department of its responsibilities to investigate reports of suspected child abuse or child neglect under this act.

(8) For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a sexually transmitted infection in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse or child neglect has occurred.

(9) In conducting an investigation of child abuse or child neglect, if the department suspects that a child has been exposed to or has had contact with methamphetamine production, the department shall immediately contact the law

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enforcement agency in the county in which the incident occurred.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1978, Act 252, Eff. Mar. 30, 1979 ;-- Am. 1978, Act 573, Eff. Mar. 30, 1979 ;-- Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989 ;-- Am. 1994, Act 177, Imd. Eff. June 20, 1994 ;-- Am. 2002, Act 10, Imd. Eff. Feb. 14, 2002 ;-- Am. 2002, Act 661, Imd. Eff. Dec. 23, 2002 ;-- Am. 2002, Act 693, Eff. Mar. 1, 2003 ;-- Am. 2006, Act 264, Imd. Eff. July 6, 2006 ;-- Am. 2006, Act 583, Imd. Eff. Jan. 3, 2007 ;-- Am. 2008, Act 300, Imd. Eff. Oct. 8, 2008 ;-- Am. 2008, Act 510, Imd. Eff. Jan. 13, 2009 ;-- Am. 2014, Act 344, Eff. Jan. 14, 2015 ;-- Am. 2016, Act 35, Imd. Eff. Mar. 8, 2016 ;-- Am. 2022, Act 47, Eff. June 21, 2022 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.623a Knowledge or suspicion of alcohol, controlled substance, or metabolite of controlled substance in body of newborn infant; report required; exception.

Sec. 3a.

In addition to the reporting requirement in section 3, a person who is required to report suspected child abuse or neglect under section 3(1) and who knows, or from the child's symptoms has reasonable cause to suspect, that a newborn infant has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his or her body shall report to the department in the same manner as required under section 3. A report is not required under this section if the person knows that the alcohol, controlled substance, or metabolite, or the child's symptoms, are the result of medical treatment administered to the newborn infant or his or her mother.

History: Add. 1996, Act 581, Eff. Mar. 31, 1997

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722.623b Comprehensive training materials; availability.

Sec. 3b.

(1) The department shall, in consultation with the Michigan domestic and sexual violence prevention and treatment board and the Michigan Coalition to End Domestic and Sexual Violence, create comprehensive training materials for individuals who are required to report suspected child abuse or child neglect under section 3 within 180 days after the effective date of the amendatory act that added this section.

(2) An employer or organization that employs a mandatory reporter must provide the training materials described in subsection (1) to that employee. This subsection does not apply to an employer or organization that provides to an employee its own training that is updated annually based on the department's training materials described in subsection (1).

(3) The department must make the training materials described in subsection (1) publicly available on its website in addition to any other form that the department chooses.

History: Add. 2023, Act 46, Eff. Sept. 27, 2023

722.624 Persons permitted to report child abuse or neglect.

Sec. 4.

In addition to those persons required to report child abuse or neglect under section 3, any person, including a child, who has reasonable cause to suspect child abuse or neglect may report the matter to the department or a law

enforcement agency.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985

722.625 Identity of reporting person; confidentiality; disclosure; immunity; good faith presumed.

Sec. 5.

Except for records available under section 7(1)(a), (b), and (n), the identity of a reporting person is confidential subject to disclosure only with the consent of that person or by judicial process. A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement of this act is immune from civil or criminal liability that might otherwise be incurred by that action. A person making a report or assisting in any other requirement of this act is presumed to have acted in good faith. This immunity from civil or criminal liability extends only to acts done according to this act and does not extend to a negligent act that causes personal injury or death or to the malpractice of a physician that results in personal injury or death.

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History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989 ;-- Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994 ;-- Am. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.626 Detention of child in temporary protective custody; preliminary hearing; examinations; report; medical evaluation.

Sec. 6.

(1) If a child suspected of being abused or neglected is admitted to a hospital or brought to a hospital for outpatient services and the attending physician determines that the release of the child would endanger the child's health or welfare, the attending physician shall notify the person in charge and the department. The person in charge may detain the child in temporary protective custody until the next regular business day of the probate court, at which time the probate court shall order the child detained in the hospital or in some other suitable place pending a preliminary hearing as required by section 14 of chapter 12A of the probate code of 1939, 1939 PA 288, MCL 712A.14, or order the child released to the child's parent, guardian, or custodian.

(2) When a child suspected of being an abused or neglected child is seen by a physician, the physician shall make the necessary examinations, which may include physical examinations, x-rays, photographs, laboratory studies, and other pertinent studies. The physician's written report to the department shall contain summaries of the evaluation, including medical test results.

(3) If a report is made by a person other than a physician, or if the physician's report is not complete, the department may request a court order for a medical evaluation of the child. The department shall have a medical evaluation made without a court order if either of the following occurs:

(a) The child's health is seriously endangered and a court order cannot be obtained.

(b) The child is displaying symptoms suspected to be the result of exposure to or contact with methamphetamine production.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 2006, Act 266, Imd. Eff. July 6, 2006

722.627 Availability of confidential record; closed court proceeding not required; release of reports compiled by law enforcement agency; information obtained by citizen review panel; release or inspection of documents from another agency or organization; sharing of information or records.

Sec. 7.

(1) Unless made public as specified information released under section 7d, a written report, document, or photograph filed with the department as provided in this act is a confidential record available only to 1 or more of the following:

(a) A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or child 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 care records.

(b) A police agency or other law enforcement agency investigating a report of known or suspected child abuse or child neglect.

(c) A physician who is treating a child whom the physician reasonably suspects may be abused or neglected.

(d) A person legally authorized to place a child in protective custody when the person is confronted with a child whom the person reasonably suspects may be abused or neglected and the confidential record is necessary to determine whether to place the child in protective custody.

(e) A person, agency, or organization, including a multidisciplinary case consultation team, authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or record under this act, or who is responsible for the child's health or welfare.

(f) A person named in the report or record as a perpetrator or alleged perpetrator of the child abuse or child neglect or a victim who is an adult at the time of the request, if the identity of the reporting person is protected as provided in section 5.

(g) A court for the purposes of determining the suitability of a person as a minor's guardian or that otherwise determines that the information is necessary to decide an issue before the court, or in the event of a child's death, a court that had jurisdiction over that child under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(h) A grand jury that determines the information is necessary to conduct the grand jury's official business.

(i) A person, agency, or organization engaged in a bona fide research or evaluation project. The person, agency, or organization shall not release information identifying a person named in the report or record unless that person's written consent is obtained. The person, agency, or organization shall not conduct a personal interview with a family without the family's prior consent and shall not disclose information that would identify the child or the child's family or other identifying information. The department director may authorize release of information to a person, agency, or organization described in this subdivision if the release contributes to the purposes of this act and the person, agency, or organization has appropriate controls to maintain the confidentiality of personally identifying information for a person named in a report or record made under this act.

(j) A lawyer-guardian ad litem or other attorney appointed as provided by section 10.

(k) A child placing agency licensed under 1973 PA 116, MCL 722.111 to 722.128, for the purpose of investigating an applicant for adoption, a foster care applicant or licensee or an employee of a foster care applicant or licensee, an adult member of an applicant's or licensee's household, or other person in a foster care or adoptive home who is directly responsible for the care and welfare of children, to determine suitability of a home for adoption or foster care. The child placing agency must disclose the information to a foster care applicant or licensee under 1973 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

(l) Family division of circuit court staff authorized by the court to investigate foster care applicants and licensees, employees of foster care applicants and licensees, adult members of the applicant's or licensee's household, and any other person in the home who is directly responsible for the care and welfare of children, for the purpose of determining the suitability of the home for foster care. The court must disclose this information to the applicant or licensee.

(m) Subject to section 7a, a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over child protective services matters.

(n) The child advocate appointed under the office of the child advocate act, 1994 PA 204, MCL 722.921 to 722.932.

(o) A child fatality review team established under section 7b and authorized under that section to investigate and review a child death.

(p) A county medical examiner or deputy county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the purpose of carrying out his or her duties under that act.

(q) A citizen review panel established by the department. Access under this subdivision is limited to information the department determines necessary for the panel to carry out its prescribed duties.

(r) A child care regulatory agency.

(s) A foster care review board for the purpose of meeting the requirements of 1984 PA 422, MCL 722.131 to 722.139a.

(t) A local friend of the court office.

(u) A department employee actively representing himself or herself in a disciplinary action, a labor union representative who is actively representing a department employee in a disciplinary action, or an arbitrator or

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administrative law judge conducting a hearing involving a department employee's dereliction, malfeasance, or misfeasance of duty, for use solely in connection with that action or hearing. Information disclosed under this subdivision must be returned not later than 10 days after the conclusion of the action or hearing. A recipient must not receive further disclosures under this subdivision while he or she retains disclosed information beyond the deadline specified for return.

(v) A federal or state governmental agency that may, by law, conduct an audit or similar review of the department's activities under this act.

(w) A children's advocacy center in the course of providing services to a child alleged to have been the victim of child abuse or child neglect or to that child's family.

(x) A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian child's tribe, to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. As used in this subdivision, "active efforts", "Indian child", "Indian child's tribe", "Indian custodian", and "parent" mean those terms as defined in section 3 of chapter XIIB of the probate code of 1939, 1939 PA 288, MCL 712B.3.

(y) A child caring institution licensed under 1973 PA 116, MCL 722.111 to 722.128, for the purpose of investigating an applicant for employment or an employee of a child caring institution to determine suitability of the applicant or employee for initial or continued employment. The child caring institution must disclose the information to the applicant or employee.

(2) Subject to subsection (4), a person or entity to whom information described in subsection (1) is disclosed shall make the information available only to a person or entity described in subsection (1). This subsection does not require a court proceeding to be closed that otherwise would be open to the public.

(3) In releasing information under this act, the department shall not include a report compiled by a police agency or other law enforcement agency related to an ongoing investigation of suspected child abuse or child neglect. This subsection does not prohibit the department from releasing reports of convictions of crimes related to child abuse or child neglect.

(4) A member or staff member of a citizen review panel shall not disclose identifying information about a specific child protection case to an individual, partnership, corporation, association, governmental entity, or other legal entity. A member or staff member of a citizen review panel is a member of a board, council, commission, or statutorily created task force of a governmental agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407. Information obtained by a citizen review panel is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(5) Documents, reports, or records authored by or obtained from another agency or organization shall not be released or open for inspection under subsection (1) unless required by other state or federal law, in response to an order issued by a judge, magistrate, or other authorized judicial officer, or unless the documents, reports, or records are requested for a child abuse or child neglect case or for a criminal investigation of a child abuse or child neglect case conducted by law enforcement.

(6) Notwithstanding subsection (1), information or records in the possession of the department or the department of licensing and regulatory affairs may be shared to the extent necessary for the proper functioning of the department or the department of licensing and regulatory affairs in administering child welfare or child care organization licensing under 1973 PA 116, MCL 722.111 to 722.128, or in an investigation conducted under section 43b of the social welfare act, 1939 PA 280, MCL 400.43b. Information or records shared under this subsection shall not be released by either the department or the department of licensing and regulatory affairs unless otherwise permitted under this act or other state or federal law. Neither the department nor the department of licensing and regulatory affairs shall release or open for inspection any document, report, or record authored by or obtained from another agency or organization unless 1 of the conditions of subsection (5) applies.

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History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1980, Act 511, Imd. Eff. Jan. 26, 1981 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1991, Act 78, Imd. Eff. July 18, 1991 ;-- Am. 1993, Act 251, Imd. Eff. Nov. 24, 1993 ;-- Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994 ;-- Am. 1995, Act 220, Imd. Eff. Dec. 1, 1995 ;-- Am. 1995, Act 225, Imd. Eff. Dec. 14, 1995 ;-- Am. 1997, Act 168, Eff. Mar. 31, 1998 ;-- Am. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 1998, Act 483, Eff. Mar. 1, 1999 ;-- Am. 1998, Act 484, Eff. July 1, 1999 ;-- Am. 1998, Act 485, Eff. Aug. 1, 1999 ;-- Am. 2000, Act 45, Imd. Eff. Mar. 27, 2000 ;-- Am. 2002, Act 661, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005 ;-- Am. 2006, Act 621, Imd. Eff. Jan. 3, 2007 ;-- Am. 2008, Act 300, Imd. Eff. Oct. 8, 2008 ;-- Am. 2011, Act 70, Imd. Eff. June 28, 2011 ;-- Am. 2014, Act 30, Eff. Mar. 31, 2015 ;-- Am. 2014, Act 527, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 35, Imd. Eff. Mar. 8, 2016 ;-- Am. 2016, Act 491, Eff. Apr. 6, 2017 ;-- Am. 2016, Act 494, Eff. Mar. 29, 2017 ;-- Am. 2018, Act 56, Eff. June 4, 2018 ;-- Am. 2022, Act 68, Eff. Nov. 1, 2022 ;-- Am. 2023, Act 305, Eff. Feb. 13, 2024

722.627a Availability of information, reports, and records to legislature; disclosure of or keeping confidential information as misdemeanor.

Sec. 7a.

(1) The department shall make information contained in the central registry and reports and records made pursuant to this act available to a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children subject to all of the following:

(a) The department shall not provide confidential information protected by section 7 to the committee unless the committee members appointed and serving agree by roll call vote that the information is essential for the protection of Michigan children or for legislative oversight of the protective services program and that the confidential information will only be considered at a closed session of the committee. The affirmative vote required by this subdivision shall be by not less than the super majority required by section 7 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.267 of the Michigan Compiled Laws, and may serve as the vote required under that section for holding a closed session.

(b) In addition to compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, a closed session held under this section shall comply with all of the following:

(i) Tape recording, camera, or other electronic equipment for documenting the proceedings shall not be permitted in the closed session.

(ii) Attendance at the closed session shall be limited to committee members, other members of the legislature and legislative staff at the discretion of the chairperson, and staff members from the department designated by the director.

(2) A person who discloses or causes to be disclosed confidential information to which the person has gained access at a meeting held under this section is guilty of a misdemeanor. A person who keeps a confidential record or file, or a copy of a confidential record or file, at the conclusion of a closed session held under this section, which record or file is obtained at that meeting, is guilty of a misdemeanor.

History: Add. 1993, Act 251, Imd. Eff. Nov. 24, 1993

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722.627b Child fatality review team; membership; review of child fatality; training and orientation; creation of advisory committee; review by citizen review panel; annual report; transmission of report to governor and legislature; disclosure of information; member of review team as member for purposes of MCL 691.1407; registry of statistical information regarding children's deaths.

Sec. 7b.

(1) Each county may have in place a standing child fatality review team. Two or more counties may appoint a single child fatality review team for those counties. The membership of a child fatality review team shall consist of at least all of the following:

(a) A county medical examiner or deputy county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.

(b) A representative of a local law enforcement agency.

(c) A representative of the department.

(d) The county prosecuting attorney or a designated assistant county prosecutor.

(e) A representative of the department of health and human services or a local health department.

(f) A representative of the local court.

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

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

(4) The department shall establish a multiagency, multidisciplinary advisory committee to identify and make recommendations on policy and statutory changes pertaining to child fatalities and to guide statewide prevention, education, and training efforts.

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

(a) Two representatives of the department.

(b) Two representatives of the department of health and human services.

(c) One county medical examiner.
(d) One representative of law enforcement.
(e) One county prosecuting attorney.
(f) The child advocate or his or her designee.
(g) A representative of a state or local court.

(6) The citizen review panel shall review each child fatality that involves allegations of child abuse or child neglect for each child who, at the time of death or within the 12 months preceding the death, was under the court's jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(7) Beginning December 31, 2012, and using the annual compilation of child fatalities reported by the state registrar under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899, and data received from the child fatality review teams established under subsection (1) and the citizen review panel established under subsection (6), the advisory committee established under subsection (4) shall author an annual report on child fatalities reviewed during the previous calendar year. The advisory committee shall include in the report, at a minimum, all of the following:

(a) The total number of child fatalities and the type or cause of each child fatality.
(b) The number of child fatalities that occurred while the child was in foster care.
(c) The number of cases where the child's death occurred within 5 years after family preservation or family reunification.
(d) Trends in child fatalities.

(8) The advisory committee established under subsection (4) shall break down the information required under subsection (7) by county or by groups of counties as described in subsection (1). The information contained in the report is public information. The advisory committee shall not include identifying information of persons named in the report. The advisory committee shall transmit the final report under subsection (7) to the department by December 31 of each year. Not less than 30 days and not more than 60 days after transmitting the report to the department, the department shall ensure publication of the report and transmit a copy to the governor and to the standing committees of the legislature with jurisdiction over matters pertaining to child protection.

(9) Except as provided in subsection (11), information obtained by a child fatality review team established under subsection (1) is confidential and may be disclosed by the child fatality review team only to the department, the child advocate, the county prosecutor's office, local law enforcement, or another child fatality review team. The information is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

(11) The department shall establish and maintain a registry of statistical information regarding children's deaths that shall be accessible to the public. The registry created in this section shall not disclose any identifying information and shall only include statistical information covering all of the following:

(a) The number of children who died while under court jurisdiction for child abuse or neglect regardless of placement setting.
(b) The number of children who died as a result of child abuse or neglect after a parent had 1 or more child protective services complaints within the 2 years preceding the child's death and the category dispositions of those complaints.
(c) The total number of children as identified in subdivisions (a) and (b) who died in the preceding year.
(d) The child protective services disposition of the child fatality.

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History: Add. 1997, Act 167, Eff. Mar. 31, 1998 ;-- Am. 2011, Act 68, Imd. Eff. June 28, 2011 ;-- Am. 2011, Act 69, Imd. Eff. June 28, 2011 ;-- Am. 2011, Act 89, Imd. Eff. July 15, 2011 ;-- Am. 2023, Act 305, Eff. Feb. 13, 2024

722.627c Release of information from child protective services records or case in which child has died; decision by director; determination.

Sec. 7c.

(1) Sections 7d to 7i govern the director's decisions to release specified information from child protective services records.

(2) The director shall release specified information in a child abuse or neglect case in which a child who was a

part of the case has died.

(3) The director may designate another individual to act for the director under sections 7d to 7i, and a reference to the director under those sections applies to an individual designated by the director.

(4) For the purposes of sections 7d to 7i, a child's best interest shall be determined based on all of the following:

(a) Protection of the child's safety.

(b) Preservation of the child's physical, mental, and emotional health.

(c) Consideration of the child's likelihood of establishing a successful and timely permanent family and community relationship.

(5) Sections 7d to 7i do not subject a report or record that is confidential under this act to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005

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722.627d Release of information by director; preliminary decision to release or deny information; extension of time period; evidence.

Sec. 7d.

(1) Subject to sections 7c to 7i, at the director's initiative or upon written request, the director may release specified information. If a written request for specified information is submitted to the department, the director must make a preliminary decision to release or to deny release of the specified information within 14 days after receipt of the request. After notifying the requester, the director may extend that time period for an additional 14 days if the additional time is necessary to research and compile the requested specified information.

(2) The director may release specified information under this section if there is clear and convincing evidence that either of the following is true:

(a) The release of the specified information is in the best interest of the child to whom the specified information relates.

(b) The release of the specified information is not in conflict with the best interest of the child to whom the specified information relates, and 1 or more of the following are true:

(i) The release is in the best interest of a member of the child's family or of an individual who resides in the same home in which the child resides. For the purposes of this subparagraph, the child's family includes the child's parents, legal guardians, grandparents, and siblings.

(ii) The release clarifies actions taken by the department on a specific case.

(iii) The report or record containing the specified information concerns a child who has died or concerns a member of that child's family.

(iv) All or part of the report or record containing the specified information is publicly disclosed in a judicial proceeding.

(v) A child abuse or child neglect complaint or investigation to which the report or record containing the specified information relates has been part of the subject matter of a published or broadcast media story.

(vi) The report or record containing the specified information concerns a confirmed report of sexual abuse, serious injury, or life threatening harm involving the child or a sibling of the child identified in the request.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.627e Release of information by director; prohibitions.

Sec. 7e.

(1) The director shall not deny a request for specified information under section 7d based upon a desire to shield a lack of or an inappropriate performance by the department.

(2) Regardless of the director's determination that specified information may be released under section 7d, the

director shall not release the specified information if 1 or more of the following are true:

(a) The request for release does not include information sufficient to identify the specific case to which the request relates.

(b) An investigation of the report of child abuse or child neglect to which the specified information relates is in progress and the report has not been confirmed or not confirmed.

(c) A hearing is pending under section 7j(6).

(d) There is an ongoing criminal investigation and, as determined by the local prosecuting attorney, release would interfere with the criminal investigation.

(e) The individual who submits the request is serving a sentence of imprisonment in a state, county, or federal correctional facility in this state or in another state.

(f) The child to whom the report or record relates is 18 years of age or older.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

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722.627f Release of information by director; preliminary decision to release or deny request; notice; final decision; writing; right to appeal.

Sec. 7f.

(1) Not less than 14 days before specified information is released or within 14 days after making a decision to deny a request for release of specified information under section 7d, the director shall give notice as provided in this subsection and section 7g of a preliminary decision to release or to deny a request to release specified information. The notice shall be in writing and shall be made by personal service or by registered or certified mail, return receipt requested and deliverable to the addressee only. The notice shall include at least all of the following:

(a) The basis on which the specified information is being released or the basis for denial of the request for release.

(b) A statement that the decision becomes a final decision unless information that could be the basis for a different decision is submitted to the director in writing within 14 days after the notice is given.

(c) A statement that there is a right to appeal a final decision as provided in section 7h. The notice shall include information regarding where to file the appeal and describing appellate procedures.

(2) If, within 14 days after giving notice, the director does not receive information in writing that could be the basis for a different decision, the director's decision is final.

(3) If the director does receive information as described in subsection (2), the director shall make a final decision to release or deny a request to release the specified information within 7 days after receipt of the information. The director shall give notice of a final decision made under this subsection to each individual required to be notified under section 7g(1) or (2). The notice required by this subsection shall be in writing and shall include at least notification of the right to appeal a final decision as provided in section 7h.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999

722.627g Release of information by director; individuals to be notified; Wyatt's law.

Sec. 7g.

(1) If the director decides to release specified information under section 7d, the department must give each notice required under section 7f to each of the following:

(a) Each person named in the report as a perpetrator or an alleged perpetrator of the child abuse or child neglect, unless the person named in the report has been convicted of a crime relating to the child abuse or child neglect, and no appeal is pending.

(b) Each parent or legal guardian of the child.

(c) Each attorney representing the child who is the subject of the case, or representing a person listed in subdivision (a) or (b), if the department has notice of that representation.

(d) The child's guardian ad litem.

(2) If the director denies a request for release of information under section 7d, the department must notify only the requesting person.

(3) If a person required to be notified under subsection (1)(a) is named as a perpetrator of child abuse or child neglect in a report that contains specified information requested to be released, and that person was not previously notified under section 7j(3), the department must notify that person as required by section 7j(3) not less than 14 days before the specified information is released. If a person who is required to be notified under this subsection requests expunction of the record within 14 days after the notice is given, the specified information shall not be released under this section until the procedures governing expunction under section 7j are completed. If a person who is required to be notified under this subsection does not request expunction within 14 days, the procedures for release of specified information under sections 7c to 7i must be followed, and the individual does not have a right to appeal the decision to release.

(4) This section may be cited as "Wyatt's law".

History: Add. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

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722.627h Appeal of director's decision.

Sec. 7h.

(1) Before the release of specified information under section 7d and except as provided in section 7g, an individual required to be notified under section 7g may appeal the director's decision to the circuit court. If an appeal is filed and the department notified before the release, the specified information shall not be released until the decision to release is upheld by the circuit court. If the director denies a request to release specified information under section 7d, within 30 days after notice of the denial, the person whose request is denied may file an appeal of the denial with the circuit court. The court shall uphold a decision to release or to deny release of specified information unless the court finds that the director's decision was an abuse of the director's discretion based upon the criteria for releasing or not releasing specified information prescribed by sections 7c to 7i.

(2) Proceedings on an appeal filed under this section are confidential, and any record of these proceedings shall not be released unless the court upholds a decision to release specified information or reverses the denial of a request for release. The court shall conduct its review so that a person whose request for specified information was denied does not have access to that specified information during the appeal proceedings.

(3) If the court reverses the director's decision to release or to deny release of specified information in an appeal under this section, the court may order the department to pay the appellant's costs and reasonable attorney fees that are related to the appeal.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999

722.627i Fee; federal assurances and waivers.

Sec. 7i.

(1) The department may charge a fee for a copy of specified information released under section 7d in the same manner that a public body is authorized to charge a fee under section 4 of the freedom of information act, 1976 PA 442, MCL 15.234.

(2) Sections 7c to 7i shall not be enforced and the family independence agency shall not utilize or implement those provisions unless the family independence agency consults with and receives assurances from the federal government, including any necessary federal waivers, that utilization and implementation of those provisions do not jeopardize this state's receipt of federal money.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999

722.627j Statewide electronic case management system; classification of confirmed cases; placement on central registry; motion for removal; notification; requirements; request for amendment of report; hearing; expungement; death of perpetrator; receipt of central registry placement confirmation; automated systems; search of children's protective services records.

Sec. 7j.

(1) The department must maintain a statewide, electronic case management system to carry out the intent of this act. The department may enter into vendor contracts that it considers necessary and proper for implementation, review, and update of the electronic case management system. The department must solicit proposals from entities to provide the services necessary to implement, review, and update the electronic case management system.

(2) The department must classify a confirmed case of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation, as a central registry case.

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

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

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

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

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

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

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

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

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

(d) The notice must not identify the person reporting the suspected child abuse or child neglect.

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

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

(9) The department must hold a hearing to determine by a preponderance of the evidence whether the report or record in whole or in part meets the statutory requirement of confirmed serious abuse or neglect, confirmed sexual abuse, confirmed sexual exploitation, or confirmed case of methamphetamine production and should be amended or expunged from the central registry. The hearing must be held before an administrative law judge and must be conducted as prescribed by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may, for good cause, hold a hearing under this subsection if the department determines that the person who is the subject of the report or record submitted the request for a hearing within 60 days after the 180-day notice period expired. This subsection does not apply to an individual for which the court has entered an order of conviction described in subsection (3).

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

(11) Except as otherwise provided in this section, the department must maintain the information in the central registry until the department receives reliable information that the perpetrator is dead. Not more than once every 10 years after an individual has been listed on the central registry, the individual may request a hearing regarding removal from the central registry. Except for confirmed sexual abuse or confirmed sexual exploitation, the department must hold a hearing to determine whether the information should be maintained on the central registry. The hearing must be held before an administrative law judge and must be conducted as prescribed by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. In this hearing, the individual is presumed to be a risk to children and the burden of proof is on the individual requesting to be removed from the central registry. If the individual demonstrates by a preponderance of the evidence that the presumption is unreasonable, then the information must be expunged from the central registry. The facts and circumstances as determined by the department or an administrative law judge on review of the department's decision that resulted in the individual originally being placed on the central registry are not subject to review. The administrative law judge shall take into account the facts and circumstances in the years since the individual was listed on the central registry that bear on the assessment of the individual's risk to children in the future. For the purpose of this subsection, "reliable information" includes, but is not limited to, information obtained using the United States Social Security death index database. This subsection does not apply to an individual for which the court has entered an order of conviction described in subsection (3).

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

(13) A person or the department may share the document provided in subsection (12) with whoever is appropriate for the purpose of seeking employment or serving as a volunteer if that employment or volunteer work will include contact with children.

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

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

(16) The department may develop an automated system that will allow a person applying for child-related employment or seeking to volunteer in a capacity that would allow unsupervised access to a child for whom the person is not a person responsible for that child's health or welfare to be listed in that system if a screening of the person finds that he or she has not been named in a central registry case as the perpetrator of a confirmed case of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation. The automated system developed under this section must provide for public access to the list of persons who have been screened for the purposes of complying with this section. An automated system developed under this section must have appropriate safeguards and procedures to ensure that information that is confidential under this act, state law, or federal law is not accessible or disclosed through that system.

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

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

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History: Add. 2002, Act 716, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 563, Imd. Eff. Jan. 3, 2005 ;-- Am. 2008, Act 374, Imd. Eff. Dec. 23, 2008 ;-- Am. 2010, Act 81, Imd. Eff. May 21, 2010 ;-- Am. 2022, Act 64, Eff. Nov. 1, 2022

722.627k Death of child under court jurisdiction; notification to legislator and child advocate.

Sec. 7k.

(1) If a child dies who is under the court's jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, the department shall provide notification in writing or electronically not later than 1 business day to the court that had jurisdiction over the child under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, at the time of the child's death, the state senator and state representative who represent the district in which that court is located, and the child advocate.

(2) The department shall notify the child advocate within 1 business day when a child dies and any of the following apply:

(a) The child died during an active child protective services investigation or an open child protective services case.

(b) The department received a prior child protective services complaint concerning the child's caretaker.

(c) The child's death may have resulted from child abuse or child neglect.

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History: Add. 2011, Act 67, Imd. Eff. June 28, 2011 ;-- Am. 2023, Act 305, Eff. Feb. 13, 2024

722.627l Statewide electronic case management system; administrative review for expungement.

Sec. 7l.

(1) An individual who is listed on the central registry before the effective date of the amendatory act that added this section may submit a request to the department for an administrative review for the expungement of the individual's name from the statewide electronic case management system created under section 7j. Within 180 days of receipt of the request for an administrative review under this subsection, the department shall complete the review and notify the individual in writing of the final decision to expunge the individual from the central registry under the statewide electronic case management system created under section 7j or to classify the individual's case as a confirmed case of methamphetamine production, confirmed serious abuse or serious neglect, confirmed sexual abuse, or confirmed sexual exploitation and keep the individual on the central registry in the statewide electronic case management system.

(2) If the department's final decision after the administrative review under subsection (1) is to expunge the individual from the central registry under the statewide electronic case management system created under section 7j, then the department shall notify the director of the department responsible for the licensure of that individual or the director's designee within 45 days of the final decision.

History: Add. 2022, Act 72, Eff. Nov. 1, 2022

722.628 Referring report or commencing investigation; informing parent or legal guardian of investigation;

duties of department; assistance of and cooperation with law enforcement officials; procedures; procedures by prosecuting attorney; cooperation of school or other institution; information as to disposition of report; request to amend report; exception to reporting requirement; surrender of newborn; training of employees in rights of children and families; determination of open friend of the court case.

Sec. 8.

(1) Within 24 hours after receiving a report made under this act, the department must refer the report to the prosecuting attorney and the local law enforcement agency if the report meets the requirements of subsection (3)(a), (b), or (c) or section 3(6) or (9) or must commence an investigation of the child suspected of being abused or neglected. Within 24 hours after receiving a report whether from the reporting person or from the department under subsection (3)(a), (b), or (c) or section 3(6) or (9), the local law enforcement agency must refer the report to the department if the report meets the requirements of section 3(7) or must commence an investigation of the child suspected of being abused or neglected or exposed to or who has had contact with methamphetamine production. If the child suspected of being abused or exposed to or who has had contact with methamphetamine production is not in the physical custody of the parent or legal guardian and informing the parent or legal guardian would not endanger the child's health or welfare, the local law enforcement agency or the department must inform the child's parent or legal guardian of the investigation as soon as the local law enforcement agency or the department discovers the identity of the child's parent or legal guardian.

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

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

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

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

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

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

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

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

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

(5) Involvement of law enforcement officials under this section does not relieve or prevent the department from proceeding with its investigation or treatment if there is reasonable cause to suspect that the child abuse or child neglect was committed by a person responsible for the child's health or welfare.

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

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

(8) A school or other institution must cooperate with the department during an investigation of a report of child abuse or child neglect. Cooperation includes allowing access to the child without parental consent if access is determined by the department to be necessary to complete the investigation or to prevent child abuse or child

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neglect of the child. The department must notify the person responsible for the child's health or welfare about the department's contact with the child at the time or as soon afterward as the person can be reached. The department may delay the notice if the notice would compromise the safety of the child or child's siblings or the integrity of the investigation, but only for the time 1 of those conditions exists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Unless section 5 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the department, the surrender of a newborn in compliance with chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is not reasonable cause to suspect child abuse or child neglect and is not subject to the section 3 reporting requirement. This subsection does not apply to circumstances that arise on or after the date that chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is repealed.

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This subsection applies to a newborn whose birth is described in the born alive infant protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is considered to be a newborn surrendered under the safe delivery of newborns law as provided in section 3 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.

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

(20) The department must determine whether there is an open friend of the court case regarding a child who is suspected of being abused or neglected if a child protective services investigation of child abuse and child neglect allegations result in any of the following dispositions:

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

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

(c) The family court takes jurisdiction on a petition and a child is maintained in his or her own home under the supervision of the department.

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

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

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

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

(23) If the department determines that there is an open friend of the court case, the department must provide a noncustodial parent of a child who is suspected of being abused or neglected with the form developed by the department that has information on how to change a custody or parenting time court order.

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History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1978, Act 252, Eff. Mar. 30, 1979 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989 ;-- Am. 1997, Act 59, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 166, Eff. Mar. 31, 1998 ;-- Am. 1998, Act 484, Eff. July 1, 1999 ;-- Am. 2000, Act 45, Imd. Eff. Mar. 27, 2000 ;-- Am. 2000, Act 234, Eff. Jan. 1, 2001 ;-- Am. 2002, Act 690, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 195, Imd. Eff. July 8, 2004 ;-- Am. 2006, Act 256, Imd. Eff. July 6, 2006 ;-- Am. 2006, Act 583, Imd. Eff. Jan. 3, 2007 ;-- Am. 2006, Act 630, Imd. Eff. Jan. 3, 2007 ;-- Am. 2008, Act 46, Imd. Eff. Mar. 27, 2008 ;-- Am. 2008, Act 300, Imd. Eff. Oct. 8, 2008 ;-- Am. 2016, Act 491, Eff. Apr. 6, 2017 ;-- Am. 2022, Act 65, Eff. Nov. 1, 2022

722.628a Execution of notices by prosecuting attorney of individuals bound over to circuit court for certain crimes; notification upon final disposition; confidentiality.

Sec. 8a.

(1) If an individual is bound over to circuit court for any of the following crimes, the prosecuting attorney shall execute the notices as prescribed by subsections (2) to (5):

(a) Criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d.

(b) Assault with intent to commit criminal sexual conduct in violation of section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g.

(c) A felonious attempt or a felonious conspiracy to commit criminal sexual conduct.

(d) An assault on a child that is punishable as a felony.

(e) Child abuse in the first, second, or third degree, in violation of section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

(f) Involvement in child sexually abusive material or child sexually abusive activity in violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(2) If the individual is an employee of a nonpublic school as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, the prosecuting attorney shall notify the governing body of the nonpublic school.

(3) If the individual is an employee of a school district or intermediate school district, the prosecuting attorney shall notify the superintendent of the school district or intermediate school district.

(4) If the individual is an employee of the department who provides a service to children and youth as described in section 115 of the social welfare act, 1939 PA 280, MCL 400.115, the prosecuting attorney shall notify the

county director of social services or the superintendent of the training school.

(5) If the individual is a child care provider, the prosecuting attorney shall notify the department, the owner or operator of the child care provider's child care organization or adult foster care location authorized to care for a child, and the child care regulatory agency with authority over that child care organization or adult foster care location authorized to care for a child.

(6) Upon final disposition of a criminal matter for which a notice was given under subsections (2) to (5), the prosecuting attorney shall notify each person previously notified under subsections (2) to (5) of that disposition.

(7) A person who is notified or otherwise receives information under this section shall keep the information received confidential except so far as disclosure is necessary to take appropriate action in response to the information.

History: Add. 1992, Act 39, Eff. Mar. 31, 1993 ;-- Am. 2002, Act 661, Imd. Eff. Dec. 23, 2002

722.628b Referral of case to prosecuting attorney; review.

Sec. 8b.

(1) If a case involves a child's death, serious physical harm of a child, or sexual abuse or sexual exploitation of a child, the department must refer the case to the prosecuting attorney for the county in which the child is located. The prosecuting attorney must review the investigation of the case to determine if the investigation complied with the protocol adopted as required by section 8.

(2) If a central registry case involves a child's exposure to or contact with methamphetamine production, the department must refer the case to the prosecuting attorney for the county in which the child is located. The prosecuting attorney must review the investigation of the case to determine whether the investigation complied with the protocol adopted as required by section 8.

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History: Add. 1997, Act 168, Eff. Mar. 31, 1998 ;-- Am. 1998, Act 484, Eff. July 1, 1999 ;-- Am. 2006, Act 263, Imd. Eff. July 6, 2006 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.628c Interview with child.

Sec. 8c.

During an investigation of suspected child abuse or neglect, the child reported to have been abused or neglected shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse.

History: Add. 1997, Act 168, Eff. Mar. 31, 1998

722.628d Categories and departmental response.

Sec. 8d.

(1) For the department's determination required by section 8, the categories, and the departmental response required for each category, are the following:

(a) Category V - services not needed. Following a field investigation, the department determines that there is no evidence of child abuse or child neglect.

(b) Category IV - community services recommended. Following a field investigation, the department determines that there is not a preponderance of evidence of child abuse or child neglect, but the structured decision-making

tool indicates that there is future risk of harm to the child. The department must assist the child's family in voluntarily participating in community-based services commensurate with the risk to the child.

(c) Category III - community services needed. The department determines that there is a preponderance of evidence of child abuse or child neglect, and the structured decision-making tool indicates a low or moderate risk of future harm to the child. The department must assist the child's family in receiving community-based services commensurate with the risk to the child. If the family does not voluntarily participate in services, or the family voluntarily participates in services, but does not progress toward alleviating the child's risk level, the department must consider reclassifying the case as category II.

(d) Category II - child protective services required. The department determines that there is evidence of child abuse or child neglect, and the structured decision-making tool indicates a high or intensive risk of future harm to the child. The department must open a protective services case and provide the services necessary under this act.

(e) Category I - court petition required. The department determines that there is evidence of child abuse or child neglect and 1 or more of the following are true:

(i) A court petition is required under another provision of this act.

(ii) The child is not safe and a petition for removal is needed.

(iii) The department previously classified the case as category II and the child's family does not voluntarily participate in services.

(iv) There is a violation, involving the child, of a crime listed or described in section 8a(1)(b), (c), (d), or (f) or of child abuse in the first or second degree as prescribed by section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

(2) In response to a category I classification, the department must do both of the following:

(a) If a court petition is not required under another provision of this act, submit a petition for authorization by the court under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(b) Open a protective services case and provide the services necessary under this act.

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History: Add. 1998, Act 484, Eff. July 1, 1999 ;-- Am. 2000, Act 45, Imd. Eff. Mar. 27, 2000 ;-- Am. 2002, Act 661, Imd. Eff. Dec. 23, 2002 ;-- Am. 2006, Act 618, Imd. Eff. Jan. 3, 2007 ;-- Am. 2014, Act 30, Eff. Mar. 31, 2015 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.628e Investigation checklist.

Sec. 8e.

(1) The department shall implement an investigation checklist to be used in each investigation of suspected abuse and neglect handled by the department.

(2) Subject to subsections (3) and (4), an investigation shall not be closed until the checklist described in subsection (1) is completed.

(3) A supervisor must review the completed checklist. If the supervisor determines that the investigation complies with the investigation checklist and with the following state laws and department policy, the investigation may be closed:

(a) Face-to-face contact was made with all alleged child victims.

(b) A petition was filed as required by sections 8d(1)(e), 17, and 18.

(c) A petition was filed when court intervention was needed to ensure child safety.

(d) Any other items that impact child safety and well-being that are specifically outlined in department policy to require the approvals outlined in subsection (4).

(4) If the supervisor determines that the investigation does not comply with the investigation checklist and the state laws and department policy outlined in subsection (3), the supervisor shall determine the reason the investigation checklist and state law or department policy outlined in subsection (3) were not followed. An investigation that falls under this subsection shall not be closed until after the local office director has reviewed the investigation.

History: Add. 2008, Act 511, Eff. Apr. 1, 2009

722.629 Multidisciplinary services; biennial report; continuing education programs; dissemination of information.

Sec. 9.

(1) The department, in discharging its responsibilities under this act, shall provide, directly or through the purchase of services from other agencies and professions, multidisciplinary services such as those of a pediatrician, psychologist, psychiatrist, public health nurse, social worker, or attorney through the establishment of regionally based or strategically located teams. The department shall prepare a biennial report to the legislature containing information on the activities of the teams created pursuant to this subsection and including recommendations by the teams and the department regarding child abuse and neglect when committed by persons responsible for the child's health or welfare.

(2) The department shall assure a continuing education program for department, probate court, and private agency personnel. The program shall include responsibilities, obligations, and powers under this act and the diagnosis and treatment of child abuse and neglect when committed by persons responsible for the child's health or welfare.

(3) The department shall provide for the dissemination of information to the general public with respect to the problem of child abuse and neglect in this state and the facilities, prevention, and treatment methods available to combat child abuse and neglect when committed by persons responsible for the child's health or welfare.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989

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722.629a Annual report.

Sec. 9a.

The agency within the department that is responsible for administering and providing services under this act must make an annual comprehensive report to the legislature that includes at least all of the following:

(a) Statistical information including at least all of the following:

(i) Total reports of abuse and neglect investigated under this act and the number that were confirmed and not confirmed.

(ii) Characteristics of perpetrators of child abuse and child neglect and the child victims such as age, sex, relationship, socioeconomic status, race, and ethnicity.

(iii) The occupation or description listed under section 3 in which the individual who made the report fits, or other description if the individual is not within a group required to report under this act.

(iv) Statistics relating to the central registry such as number of individuals and their characteristics.

(v) Statistics relating to the basis for determining that reported cases of child abuse or child neglect are not confirmed.

(b) Policy related to child protective services including, but not limited to, major policy changes and court decisions affecting the administration of this act.

History: Add. 1998, Act 428, Eff. Apr. 1, 1999 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

722.630 Lawyer-guardian ad litem.

Sec. 10.

In each case filed under this act in which judicial proceedings are necessary, the court shall appoint a lawyer-guardian ad litem to represent the child. A lawyer-guardian ad litem represents the child and has powers and duties in relation to that representation as set forth in section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem

appointed under this act.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1998, Act 483, Eff. Mar. 1, 1999

722.631 Privileged communications.

Sec. 11.

Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil child protective proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect under section 3 if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under section 3.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 2002, Act 693, Eff. Mar. 1, 2003

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722.632 Report to law enforcement officials or probate court.

Sec. 12.

This act shall not prohibit a person who has reasonable cause to suspect child abuse or neglect from making a report to the appropriate law enforcement officials or probate court.

History: 1975, Act 238, Eff. Oct. 1, 1975

722.632a Investigations by hospital, school, or other agency.

Sec. 12a.

This act does not preclude or hinder a hospital, school, or other agency from investigating reported claims of child abuse or neglect by its employees or from taking disciplinary action based upon that investigation against its employees.

History: Add. 1988, Act 372, Eff. Mar. 30, 1989

722.632b Task force on prevention of sexual abuse of children; creation; appointment; qualifications; officer; meetings; recommendations; consultation; compensation; abolishment; child excused from participating in information-gathering efforts.

Sec. 12b.

(1) The task force on the prevention of sexual abuse of children is created within the department.

(2) The governor shall appoint members to the task force in consultation with the department. The appointment of members must reflect the geographic diversity of this state. Members of the task force must include the

following:

(a) Individuals who have experience and expertise in the fields of intervention and prevention of child abuse and neglect, education, or child welfare.

(b) A representative from the Michigan coalition to end domestic and sexual violence.

(c) A representative from the Michigan domestic and sexual violence prevention and treatment board.

(d) A representative from the Michigan chapter of the national children's alliance.

(e) An administrator or staff member of a child assessment center.

(f) A licensed therapist trained to counsel or treat child sexual abuse victims.

(g) A circuit court judge or his or her designee.

(h) A school district board member, intermediate school district board member, or public school academy board member.

(3) The department director or his or her designee shall serve as the task force's presiding officer. The task force shall meet at the call of the presiding officer. The task force shall make recommendations for reducing child sexual abuse in this state. The task force shall also make recommendations for school policies that address the sexual abuse of children. In making those recommendations, the task force shall do all of the following:

(a) Gather information concerning child sexual abuse throughout this state.

(b) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations.

(c) Review steps taken and programs established in other states to reduce child sexual abuse.

(d) Create goals for state policy that are aimed at preventing child sexual abuse.

(e) Create recommendations and guidelines for school policies addressing sexual abuse of children according to section 1505 of the revised school code, 1976 PA 451, MCL 380.1505. These recommendations and guidelines shall be flexible enough to allow accommodation for local autonomy and values.

(f) Create recommendations and guidelines for age-appropriate, evidence-based child sexual abuse awareness.

(g) Create recommendations and guidelines for school personnel to respond appropriately to pupils affected by sexual abuse.

(h) Create recommendations and guidelines for providing educational material to parents and guardians on the warning signs of child sexual abuse and information on assistance and referrals or resources.

(i) Develop a child sexual abuse protocol to be utilized by all community partners in order to help to identify, prevent, and investigate child sexual abuse.

(j) Submit a final report with the task force's recommendations to the governor and the legislature not later than 365 days after the members of the task force are appointed.

(4) The recommendations described under subsection (3) may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

(5) The task force shall consult with the employees of the department who work on child protection matters, the department of state police, the state board of education, and any other state agency or department necessary to accomplish the task force's responsibilities under this section.

(6) The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

(7) The task force shall be abolished upon submission of the final report required in subsection (3) to the governor and the legislature.

(8) Upon written request from a child or the child's parent or legal guardian, that child shall be excused, without penalty, from participating in the task force's information-gathering efforts.

(9) As used in this section, "task force" means the task force on the prevention of sexual abuse of children created in subsection (1).

History: Add. 2012, Act 593, Imd. Eff. Jan. 9, 2013

722.633 Failure to report suspected child abuse or neglect; damages; violation as misdemeanor; unauthorized dissemination of information as misdemeanor; civil liability; maintaining report or record required to be expunged as misdemeanor; false report of child abuse or neglect.

Sec. 13.

(1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.

(2) A person who is required by this act to report an instance of suspected child abuse or neglect and who

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knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) Except as provided in section 7, a person who disseminates, or who permits or encourages the dissemination of, information contained in the central registry and in reports and records made as provided in this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both, and is civilly liable for the damages proximately caused by the dissemination.

(4) A person who willfully maintains a report or record required to be expunged under section 7 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(5) A person who intentionally makes a false report of child abuse or neglect under this act knowing that the report is false is guilty of a crime as follows:

(a) If the child abuse or neglect reported would not constitute a crime or would constitute a misdemeanor if the report were true, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(b) If the child abuse or neglect reported would constitute a felony if the report were true, the person is guilty of a felony punishable by the lesser of the following:

(i) The penalty for the child abuse or neglect falsely reported.

(ii) Imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

History: 1975, Act 238, Eff. Oct. 1, 1975 ;-- Am. 1978, Act 252, Eff. Mar. 30, 1979 ;-- Am. 1984, Act 418, Eff. Mar. 29, 1985 ;-- Am. 1988, Act 372, Eff. Mar. 30, 1989 ;-- Am. 1993, Act 56, Imd. Eff. June 9, 1993 ;-- Am. 1994, Act 393, Imd. Eff. Dec. 29, 1994 ;-- Am. 1996, Act 309, Eff. Jan. 1, 1997 ;-- Am. 2002, Act 14, Imd. Eff. Feb. 19, 2002

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722.634 Religious beliefs.

Sec. 14.

A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by state law to a child where the child's health requires it nor does it abrogate the responsibility of a person required to report child abuse or neglect.

History: 1975, Act 238, Eff. Oct. 1, 1975

722.635 Repeal of MCL 722.571 to 722.575.

Sec. 15.

Act No. 98 of the Public Acts of 1964, being sections 722.571 to 722.575 of the Compiled Laws of 1970, is repealed.

History: 1975, Act 238, Eff. Oct. 1, 1975

722.636 Effective date.

Sec. 16.

This act shall take effect October 1, 1975.

History: 1975, Act 238, Eff. Oct. 1, 1975

722.637 Submission of petition for authorization under MCL 712A.2; exception.

Sec. 17.

(1) Except as provided in subsection (2), within 24 hours after the department determines that a child was severely physically injured as defined in section 8, sexually abused, or allowed to be exposed to or have contact with methamphetamine production, the department shall submit a petition for authorization by the court under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2.

(2) The department is not required to file a petition for authorization by the court as described in subsection (1) if the department determines that the parent or legal guardian is not a suspected perpetrator of the abuse and the department determines that all of the following apply:

(a) The parent or legal guardian did not neglect or fail to protect the child.

(b) The parent or legal guardian does not have a historical record that shows a documented pattern of neglect or failing to protect the child.

(c) The child is safe in the parent's or legal guardian's care.

History: Add. 1997, Act 168, Eff. Mar. 31, 1998 ;-- Am. 2006, Act 256, Imd. Eff. July 6, 2006 ;-- Am. 2006, Act 630, Imd. Eff. Jan. 3, 2007

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722.638 Submission of petition for authorization under MCL 712A.2; conditions; request for termination of parental rights; conference.

Sec. 18.

(1) The department shall submit a petition for authorization by the court under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:

(a) The department determines that a parent, guardian, or custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included 1 or more of the following:

(i) Abandonment of a young child.

(ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

(iii) Battering, torture, or other serious physical harm.

(iv) Loss or serious impairment of an organ or limb.

(v) Life threatening injury.

(vi) Murder or attempted murder.

(b) The department determines that there is risk of harm, child abuse, or child neglect to the child and either of the following is true:

(i) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state and the parent has failed to rectify the conditions that led to the prior termination of parental rights.

(ii) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state, the parent has failed to rectify the conditions that led to the prior termination of parental rights, and the proceeding involved abuse that included 1 or more of the following:

(A) Abandonment of a young child.

(B) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

(C) Battering, torture, or other serious physical harm.

(D) Loss or serious impairment of an organ or limb.

(E) Life-threatening injury.

(F) Murder or attempted murder.

(G) Voluntary manslaughter.

(H) Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.

(2) In a petition submitted as required by subsection (1), if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to

eliminate that risk, the department shall include a request for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b.

(3) If the department is considering petitioning for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b, even though the facts of the child's case do not require departmental action under subsection (1), the department shall hold a conference among the appropriate agency personnel to agree upon the course of action. The department shall notify the attorney representing the child of the time and place of the conference, and the attorney may attend. If an agreement is not reached at this conference, the department director or the director's designee shall resolve the disagreement after consulting the attorneys representing both the department and the child.

History: Add. 1997, Act 168, Eff. Mar. 31, 1998 ;-- Am. 1998, Act 383, Eff. Mar. 23, 1999 ;-- Am. 1998, Act 428, Imd. Eff. Dec. 30, 1998 ;-- Am. 2010, Act 12, Eff. Sept. 4, 2010 ;-- Am. 2018, Act 59, Eff. June 12, 2018 ;-- Am. 2022, Act 66, Eff. Nov. 1, 2022

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