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BILL ANALYSIS

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House Bill 4586 (Substitute H-1 as passed by the House)
Sponsor: Representative Barb Vander Veen
House Committee: Family and Children Services
Senate Committee: Families and Human Services

Date Completed: 11-3-03

CONTENT

The bill would amend the Child Protection Law to do the following:

- Require the Director of the Family Independence Agency (FIA) to release specified information in a child abuse or neglect case in which a child died.**
- Allow a foster care review board to obtain confidential child protection records.**
- Revise the definition of "specified information".**

The Law defines "specified information" as information in a central registry case record that relates specifically to referrals or reports of child abuse or neglect, except certain information specifically excluded. Under the bill, the term would mean information in a children's protective services (CPS) case record that related specifically to the FIA's actions in responding to a complaint of child abuse or neglect, subject to the existing exceptions. The bill also would exclude any information not related to the FIA's actions in responding to a report of child abuse or neglect.

The bill would require the FIA Director to release specified information in a child abuse or neglect case in which a child who was a part of the case died.

Under the Law, a written report, document, or photograph filed with the FIA, unless made public as specified information, is a confidential record available only to people and entities listed in the Law (and in **BACKGROUND**, below). The bill would add a foster care review board to the entities that may have access to confidential information.

The bill would delete a provision under which, for purposes of investigating the suitability of a home for adoption or foster care, or for screening applicants for certain child-related employment or volunteer work, a case investigated before July 1, 1999, and entered in the central registry is considered a central registry case if abuse or neglect was the suspected cause of a child's death; the child was the victim of suspected sexual abuse or exploitation; or abuse or neglect resulting in severe physical injury to the child required medical treatment or hospitalization. (The Law also provides that, for a CPS case investigated before July 1, 1999, "central registry case" means an allegation of abuse or neglect that the FIA substantiated.)

("Central registry" means the system maintained at the FIA that is used to keep a record of all reports filed with the FIA in which relevant and accurate evidence of child abuse or neglect is found to exist. A "central registry case" means a CPS case that the FIA classifies under Sections 8 and 8d of the Law as category I or II. If a case is classified as category II, the FIA has determined that there is evidence of child abuse or neglect, and there is a high or intensive risk of future harm to the child. In this instance, the FIA must open a CPS case. A case is classified as category I if the FIA determines that there is evidence of child abuse or neglect, and one or more of the following are true:

- A court petition is required under the Law.
- The child is not safe and a petition for removal is needed.
- The FIA previously classified the case as category II and the child's family does not voluntarily participate in the services.
- There is assault with intent to commit criminal sexual conduct (CSC), felonious attempt or felonious conspiracy to commit CSC, assault on a child punishable as a felony, involvement in child sexually abusive material or child sexually abusive activity, or first- or second-degree child abuse, involving the child.)

MCL 722.622 et al.

BACKGROUND

The Child Protection Law requires certain professionals, such as physicians, nurses, social workers, and teachers, to report suspected child abuse or neglect to the FIA. The FIA then must begin an investigation or, in certain cases, notify the prosecuting attorney. The FIA must maintain a statewide, electronic central registry to carry out the Law.

The Law allows confidential information to be disclosed to the following:

- A legally mandated child protective agency investigating a report of known or suspected child abuse or neglect.
- A law enforcement agency investigating a report of known or suspected child abuse or neglect.
- A physician who is treating a child whom the physician reasonably suspects may be abused or neglected.
- 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.
- A person, agency, or organization authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or record under the Law, or who is responsible for the child's health or welfare.
- A person named in the report or record as a perpetrator or alleged perpetrator of the child abuse or neglect or a victim who is an adult at the time of the request, if the identity of the reporting person is protected.
- A court that determines the information is necessary to decide an issue before the court.
- A grand jury that determines the information is necessary to conduct its official business.
- A person, agency, or organization engaged in a bona fide research or evaluation project.
- A lawyer-guardian ad litem or other appointed attorney.
- A licensed child placing agency, for the purpose of determining suitability of a home for adoption or foster care.
- Family court staff authorized by the court for the purpose of determining suitability of a home for foster care.
- A standing or select committee or appropriations subcommittee of either house of the Legislature having jurisdiction over child protective services matters.
- The Children's Ombudsman.
- An authorized child fatality review team.
- A county medical examiner or deputy county medical examiner.
- A citizen review panel established by the FIA.
- A child regulatory agency.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Mike Hansen