

# SENATE BILL No. 569

October 29, 1991, Introduced by Senators HONIGMAN and BOUCHARD and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 7 of Act No. 238 of the Public Acts of 1975, entitled as amended

"Child protection law,"

as amended by Act No. 78 of the Public Acts of 1991, being section 722.627 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 238 of the Public Acts of  
2 1975, as amended by Act No. 78 of the Public Acts of 1991, being  
3 section 722.627 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. (1) The department shall maintain a central regis-  
6 try system to carry out the intent of this act. A written  
7 report, document, or photograph filed with the department  
8 pursuant to this act ~~shall be~~ IS a confidential record  
9 available only to 1 or more of the following:

1 (a) A legally mandated public or private child protective  
2 agency investigating a report of known or suspected child abuse  
3 or neglect.

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

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

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

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

18 (f) A person named in the report or record, if the identity  
19 of the reporting person is protected pursuant to section 5.

20 (g) A court ~~which~~ THAT determines the information is nec-  
21 essary to decide an issue before the court.

22 (h) A grand jury ~~which~~ THAT determines the information is  
23 necessary in the conduct of the grand jury's official business.

24 (i) A person, agency, or organization engaged in a bona fide  
25 research or evaluation project, except information identifying a  
26 person named in the report or record shall not be made available  
27 unless the department has obtained that person's written

1 consent. The person, agency, or organization shall not conduct a  
2 personal interview with a family without the family's prior con-  
3 sent and shall not disclose information ~~which~~ THAT would iden-  
4 tify the child or the child's family or other identifying  
5 information.

6 (j) A person appointed as legal counsel pursuant to  
7 section 10.

8 (k) A child placing agency licensed under Act No. 116 of the  
9 Public Acts of 1973, being sections 722.111 to 722.128 of the  
10 Michigan Compiled Laws, for the purpose of investigating an  
11 applicant for adoption, a foster care applicant or licensee or an  
12 employee of a foster care applicant or licensee, an adult member  
13 of an applicant's or licensee's household, or other persons in a  
14 foster care or adoptive home who are directly responsible for the  
15 care and welfare of children, to determine suitability of a home  
16 for adoption or foster care. The child placing agency shall dis-  
17 close the information to a foster care applicant or licensee  
18 under Act No. 116 of the Public Acts of 1973, or to an applicant  
19 for adoption.

20 (l) Juvenile court staff authorized by the court to investi-  
21 gate foster care applicants and licensees, employees of foster  
22 care applicants and licensees, adult members of the applicant's  
23 or licensee's household, and other persons in the home who are  
24 directly responsible for the care and welfare of children, for  
25 the purpose of determining the suitability of the home for foster  
26 care. The court shall disclose this information to the applicant  
27 or licensee.

1 (M) THE FOLLOWING EMPLOYERS, ONLY FOR THE PURPOSE OF A  
2 BACKGROUND OR EMPLOYMENT RELATED SCREENING OF A PERSON EMPLOYED  
3 BY OR VOLUNTARILY ASSOCIATED WITH, OR APPLYING FOR EMPLOYMENT BY  
4 OR VOLUNTARY ASSOCIATION WITH, THE EMPLOYER:

5 (i) A CHILD CARE ORGANIZATION AS DEFINED IN SECTION 1 OF ACT  
6 NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SECTION 722.111 OF THE  
7 MICHIGAN COMPILED LAWS.

8 (ii) AN ADULT FOSTER CARE FAMILY HOME OR ADULT FOSTER CARE  
9 SMALL GROUP HOME AS DEFINED IN SECTION 3 OF THE ADULT FOSTER CARE  
10 FACILITY LICENSING ACT, ACT NO. 218 OF THE PUBLIC ACTS OF 1979,  
11 BEING SECTION 400.703 OF THE MICHIGAN COMPILED LAWS.

12 (iii) A PRIVATE OR PUBLIC SCHOOL WITH ANY GRADE FROM KINDER-  
13 GARTEN TO TWELFTH GRADE.

14 (iv) A PUBLIC OR PRIVATE INTERMEDIATE OR LONG-TERM CARE  
15 FACILITY PROVIDING CARE OR TREATMENT FOR A MENTAL, PHYSICAL, EMO-  
16 TIONAL, OR REHABILITATIVE CONDITION OR DISEASE FOR A CHILD.

17 (v) A JUVENILE FACILITY AS DEFINED IN SECTION 2 OF THE JUVE-  
18 NILE FACILITIES ACT, ACT NO. 73 OF THE PUBLIC ACTS OF 1988, BEING  
19 SECTION 803.222 OF THE MICHIGAN COMPILED LAWS.

20 (vi) ANY OTHER BUSINESS, ORGANIZATION, OR ASSOCIATION THAT  
21 HAS THE CARE OF, OR SUPERVISORY OR DISCIPLINARY POWERS, OVER A  
22 MINOR, INCLUDING, BUT NOT LIMITED TO, PROVIDERS OF RECREATIONAL  
23 OR SIMILAR ACTIVITIES.

24 (2) A person or entity to whom a report, document, or photo-  
25 graph is made available shall make the report, document, or pho-  
26 tograph available only to a person or entity described in  
27 subsection (1)(a) to ~~(1)~~ (M). This subsection ~~shall not be~~

1 ~~construed to~~ DOES NOT require a court proceeding to be closed  
2 ~~which~~ THAT otherwise would be open to the public.

3       (3) A person who is the subject of a report or record made  
4 pursuant to this act may request the department to amend an inac-  
5 curate report or record from the central registry and local  
6 office file. A person who is the subject of a report or record  
7 made pursuant to this act may request the department to expunge  
8 from the central registry a report or record in which no relevant  
9 and accurate evidence of abuse or neglect is found to exist. A  
10 report or record filed in a local office file shall not be  
11 subject to expunction except as the department shall authorize,  
12 when considered in the best interest of the child. If the  
13 department refuses the request for amendment or expunction, or  
14 fails to act within 30 days after receiving the request, the  
15 person shall be granted a hearing to determine by a preponderance  
16 of the evidence whether the report or record in whole or in part  
17 should be amended or expunged from the central registry on the  
18 grounds that the report or record is not relevant or accurate  
19 evidence of abuse or neglect. The hearing shall be before a  
20 hearing officer appointed by the department and shall be con-  
21 ducted pursuant to the administrative procedures act of 1969, Act  
22 No. 306 of the Public Acts of 1969, as amended, being  
23 sections 24.201 to 24.328 of the Michigan Compiled Laws. If the  
24 investigation of a report conducted pursuant to this act fails to  
25 disclose evidence of abuse or neglect, the information identify-  
26 ing the subject of the report shall be expunged from the central  
27 registry. If evidence of abuse or neglect exists, the

1 information identifying the subject of the report shall be  
2 expunged when the child alleged to be abused or neglected reaches  
3 the age of 18, or 10 years after the report is received by the  
4 department, whichever occurs later.