



HOUSE BILL No. 4596

April 1, 1993, Introduced by Rep. Horton and referred to the Committee on Human Services and Children.

A bill to amend section 5 of Act No. 238 of the Public Acts of 1975, entitled as amended "Child protection law," as amended by Act No. 372 of the Public Acts of 1988, being section 722.625 of the Michigan Compiled Laws; and to add section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 372 of the Public Acts of 1988, being
3 section 722.625 of the Michigan Compiled Laws, is amended and
4 section 7a is added to read as follows:

5 Sec. 5. (1) Except as provided in section 7(1)(a) and (b),
6 the identity of a reporting person ~~shall be~~ IS confidential
7 subject to disclosure only with the consent of that person or by

1 judicial process. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,
2 INFORMATION RELEASED OR A NOTICE GIVEN UNDER THIS ACT SHALL NOT
3 INCLUDE A REPORT COMPILED BY A POLICE AGENCY OR OTHER LAW
4 ENFORCEMENT AGENCY RELATED TO AN INVESTIGATION OF SUSPECTED CHILD
5 ABUSE OR NEGLECT. A person acting in good faith who makes a
6 report, cooperates in an investigation, or assists in any other
7 requirement of this act ~~shall be~~ IS immune from civil or crimi-
8 nal liability ~~which~~ THAT might otherwise be incurred ~~thereby~~
9 BY THAT ACTION. A person making a report or assisting in any
10 other requirement of this act ~~shall be~~ IS presumed to have
11 acted in good faith. This immunity from civil or criminal
12 liability extends only to acts done pursuant to this act and does
13 not extend to a negligent act ~~which~~ THAT causes personal injury
14 or death or to the malpractice of a physician ~~which~~ THAT
15 results in personal injury or death.

16 SEC. 7A. (1) IF A REPORT OF SUSPECTED CHILD ABUSE OR
17 NEGLECT IS SUBSTANTIATED TO THE EXTENT THAT A RECORD IS MAIN-
18 TAINED IN THE CENTRAL REGISTRY, THE DEPARTMENT SHALL NOTIFY IN
19 WRITING THE INDIVIDUAL NAMED IN THE RECORD. THE NOTICE SHALL SET
20 FORTH THE INDIVIDUAL'S RIGHT TO REQUEST EXPUNCTION OF THE RECORD
21 AND THE RIGHT TO A HEARING IF THE DEPARTMENT REFUSES THE
22 REQUEST.

23 (2) FOR A NOTICE OR OTHER INFORMATION RELEASED UNDER THIS
24 SECTION, THE DEPARTMENT SHALL PROTECT THE IDENTITY OF THE REPORT-
25 ING PERSON AND THE CHILD SUSPECTED OF BEING ABUSED OR NEGLECTED,
26 AND SHALL NOT RELEASE A POLICE REPORT RELATED TO AN INVESTIGATION
27 OF THE SUSPECTED CHILD ABUSE OR NEGLECT.