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CHILD PROTECTION REGISTRY

House Bill 6034 as enrolled
Public Act 485 of 1998
Second Analysis (12-21-98)

Sponsor: Rep. Sharon Gire
House Committee: Human Services and Children
Senate Committee: Families, Mental Health and Human Services (discharged)

THE APPARENT PROBLEM:

Currently the Family Independence Agency maintains an electronic central registry system that tracks parents who abuse or neglect their children. When a report of child abuse or neglect is substantiated, the person who is named in a report as the perpetrator of that abuse or neglect is listed on the central registry until the child alleged to have been abused or neglected reaches the age of 18, or 10 years after the report was received, whichever occurs later.

Some children's protective services workers point out that they are required by state policy to place children with relatives whenever possible, and to consider every relative who volunteers to make a home for an abused or neglected child who is kin. The protective service workers also point out that child abuse and neglect within families often is cross-generational, and that abusive and neglectful parenting continues within families from generation to generation.

In light of the placement criterion which favors kinship, it is often the case that a placement is with the maternal or paternal grandparents of the abused or neglected child. Under the current law, if a grandparent also had been an abuser or neglectful, and had been recorded by the central registry, the record of abuse would have been expunged when his or her child turned 18, or 10 years after the abuse was recorded. As a result, the protective service worker would not know whether the placement with the grandparent would be safe.

Some have argued that the information that identifies abusive and neglectful parents should not be expunged, but instead should remain on the central registry until the Family Independence Agency receives reliable information that the alleged abuser has died.

THE CONTENT OF THE BILL:

Under the Child Protection Law, the Family Independence Agency must maintain an electronic central registry of abuse and neglect cases. The reports in the registry are confidential, available only to certain individuals who are involved in the investigation of a crime, such as law enforcement or child protective agency employees, physicians, or the children's ombudsman. If an investigation of a report fails to disclose evidence of abuse or neglect, evidence in the report that identifies the subject must be expunged from the registry. However, if evidence of abuse or neglect exists, the law specifies that information identifying the subject (i.e., the person suspected of child abuse or neglect) is not expunged until the child alleged to have been abused or neglected reaches the age of 18, or ten years after the report is received, whichever occurs later.

House Bill 6034 would amend the statute to specify, instead, that the identifying information would be maintained in the central registry until the FIA received reliable information that the individual alleged to have perpetrated the abuse or neglect had died. The bill also would specify that the department's confidential record would be available to a perpetrator or alleged perpetrator of child abuse or neglect or a victim who is an adult at the time of the request, and to a lawyer-guardian ad litem or certain other attorneys. In addition, under the bill, if the department classified a report of suspected child abuse or neglect as a central registry case, it would be required, within 30 days after the classification, to notify in writing each individual who is named in the record as a perpetrator of the child abuse or neglect, and that notice would be required to state that the record may be released to a person legally authorized to place a child in protective custody. The bill would take effect on August 1, 1999.

MCL 722.627

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that his bill will result in no significant fiscal impact. (12-21-98)

ARGUMENTS:

For:

The bill would give protective services workers more family background information, so they can ascertain any cross-generational patterns of abuse or neglect. Under the bill, the FIA would retain the names in the state's central registry of abusive and neglectful parents until the abusers die. Sadly, the cycle of family violence often extends across generations. Yet, state policy requires child protective services workers to place abused or neglected children with their nearest kin whenever possible. Often those placements are with grandparents. In order for abused or neglected children to be safe when they are placed in other family members' homes, it is important that protective services workers know the background of the children's kin, and most especially whether their grandparents also were abusive or neglectful parents.

Analyst: J. Hunault/R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.