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## CITIZEN REVIEW PANELS

**House Bill 5144**

**Sponsor: Rep. Ruth Johnson**

**Committee: Family and Children Services**

**Complete to 1-31-00**

### A SUMMARY OF HOUSE BILL 5144 AS INTRODUCED 11-30-99

House Bill 5144 would amend the Child Protection Law (MCL 722.622 et al.) to provide for citizen review panels with expertise in the prevention and treatment of child abuse and neglect.

Citizen Review Panel. Under the federal Child Abuse Prevention and Treatment Act (42 USC 5106a), grants are provided to states to improve their child protective services systems. The act specifies that each state receiving a grant must establish at least three citizen review panels composed of volunteer members who are representative of the community, including members with expertise in the prevention and treatment of child abuse and neglect. A state receiving a minimum \$175,000 allotment, however, need only establish one panel. House Bill 5144 would amend the Child Protection Law to add the following provisions regarding a citizen review panel established by the Family Independence Agency (FIA):

- A panel would have access to information maintained in the FIA's electronic central child protection registry on abuse and neglect cases, subject to the provision that a panel member or staff member could not disclose identifying information about a child protection case to an individual, partnership, corporation, association, governmental entity, or other legal entity.
- A panel member or staff member would be considered a member of a board, council, commission, or a statutorily created governmental agency granted immunity from tort liability under the provisions of Public Act 170 of 1964, the governmental immunity act.
- Information obtained by a citizen review panel would not be subject to the provisions of the Freedom of Information Act (FOIA).

Perpetrators of Child Abuse. Under current law, identifying information must be maintained in the central registry until the FIA receives information that the individual alleged to have perpetrated the abuse or neglect has died. House Bill 5144 would delete the term "alleged" from this provision.

Under the act, each abuse or neglect report on a child that is the subject of a field investigation must be entered into the child protective services information (CPSI) system (an internal data system within the FIA). The report must be maintained until the child is 18 years old, or for ten years after the investigation is begun, whichever is later. House Bill 5144 would add that, if the case were classified as a central registry case, the report would have to be maintained until the department received reliable information that the perpetrator of the child abuse or neglect was dead.

Child Abuse Response Categories. Under current law, a report of an allegation of child abuse or neglect must be entered into one of five categories. Each category determines the FIA's response to the situation. The categories and responses are determined according to the FIA's "structured decision-making tool," which is the FIA document that measures the risk of future harm to a child. For example, "Category V - Services not needed," currently specifies that the FIA has determined that the allegation does not amount to child abuse or neglect, that the structured decision-making tool indicates there is no future risk of harm to the child, and that the act does not require a further response by the department. Under House Bill 5144, the responses for Category V, Category IV, and Category III would be amended to read as follows:

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

"Category IV - community services recommended. Following a field investigation, the department determines that there is not a preponderance of evidence of child abuse or neglect, but the structured decision-making tool indicates that there is future risk of harm to the child. The department shall assist the child's family in voluntarily participating in community-based services commensurate with the risk to the child."

"Category III - community services needed. The department determines that there is a preponderance of evidence of child abuse or neglect, and the structured decision-making tool indicates a low or moderate risk of future harm to the child. The department shall 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 may reclassify the case as category II."

Circuit Court Jurisdiction. Under the Probate Code (MCL 712A.2[b]), the family division of the circuit court has jurisdiction in proceedings concerning any juvenile under 18 years of age whose parent, or the person legally responsible for the juvenile, has, among other things, neglected to provide care and support, or whose home is deemed unfit to live in. House Bill 5144 would amend the Child Protection Law to delete current language specifying that the court has jurisdiction over a "nonparent adult", who is defined as a person of at least 18 years of age who is not a child's parent, or a person otherwise related to the child, but who has substantial and regular contact with the child, and has a close personal relationship with the child's parent or other person responsible for the child's health or welfare.

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■ 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.