

Legislative Analysis



AMEND CHILD PROTECTION LAW

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Senate Bill 228 reported without amendment

Sponsor: Sen. Judy K. Emmons

(Enacted as Public Act 70 of 2011)

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors, and Human Services

Complete to 6-9-11

A SUMMARY OF SENATE BILL 228 AS REPORTED FROM HOUSE COMMITTEE

Senate Bill 228 would amend Section 7 of the Child Protection Law (MCL 722.627), which deals with the statewide, electronic central registry of child abuse and neglect. That section allows the Department of Human Services to release confidential records to certain designated parties. The bill would add to the list so that a written report, document, or photograph that is a confidential record could be released, in the event of a child's death, to a court with jurisdiction over that child under Section 2(b) of Chapter XIA of the Probate Code. (That chapter is also known as the Juvenile Code)

Section 2(b) grants the Family Division of Circuit Court jurisdiction in proceedings involving a juvenile under the age of 18 whose parent or legal guardian neglects to provide proper or necessary support, education, medical, surgical or other necessary care; who is subject to a substantial risk of harm to his or her mental well-being; who is abandoned by his or her parents or guardian; or who is without proper custody or guardianship. The court also has jurisdiction over a juvenile whose home or environment is an unfit place to live in because of a parent's or guardian's neglect, cruelty, drunkenness, criminality, or depravity; or whose parent has substantially failed, without good cause, to comply with a limited guardianship plan or a court-structured plan.

MCL 722.627

FISCAL IMPACT:

Senate Bill 228 would have no fiscal impact on the state or on local units of government.

BACKGROUND INFORMATION:

This bill is one of a package of Senate Bills (Senate Bills 226-229) addressing the death of children. There is also a set of House Bills (House Bills 4384-4387). Proponents have said the bills aim at revising procedures for investigating the death of a child who was under the jurisdiction of a court or was the subject of child abuse and neglect investigations; improving communication between public agencies and public officials; aggregating information into a database of child deaths, available to officials and the general public; and helping public officials identify systemic problems that may be leading to the death of children. Each of the bills is summarized separately.

POSITIONS:

Department of Human Services indicated that it supports the bill in concept. (6-7-11)

Michigan Chapter, National Association of Social Workers supports the bill. (6-7-11)

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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.