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Senate Bill 226 (Substitute S-1)
Senate Bill 227 (Substitute S-1)
Senate Bill 228 (as introduced 3-3-11)
Senate Bill 229 (Substitute S-1)
Sponsor: Senator Mark C. Jansen (S.B. 226)
 Senator Vincent Gregory (S.B. 227)
 Senator Judy K. Emmons (S.B. 228)
 Senator Mike Nofs (S.B. 229)
Committee: Families, Seniors, and Human Services

Date Completed: 4-20-11

CONTENT

Senate Bill 226 (S-1) would amend the Child Protection Law (CPL) to require the Department of Human Services (DHS) to establish and maintain a publicly accessible registry of statistical information regarding children's deaths.

Senate Bill 227 (S-1) would amend the CPL to require the DHS, if a child died while under the court's jurisdiction in a suspected abuse or neglect case, to notify the court, the State legislators representing the district in which the court was located, and the Children's Ombudsman. The bill also would require the DHS to notify the Ombudsman within one business day when a child died during an active Child Protective Services (CPS) investigation or an open CPS case, if there had been previous complaints about the child's caretaker, or if the death could have resulted from abuse or neglect.

Senate Bill 228 would amend the CPL to make certain information available to a court that had jurisdiction over a child in a suspected abuse or neglect case, in the event of the child's death.

Senate Bill 229 (S-1) would amend the CPL to do the following:

- Require a child fatality review team and the advisory committee created under the Law to include a representative of a State or local court.**
- Require the citizen review panel to review each child fatality involving allegations of abuse or neglect for each child who, at the time of death or within the prior year, was under the family court's jurisdiction in an abuse or neglect case.**
- Require the advisory committee to transmit its annual report of child fatalities to the DHS, and require the Department to ensure the publication of the report between 30 and 60 days after the advisory committee transmitted it.**

All of the bills are described in detail below.

Senate Bill 226 (S-1)

The bill would require the DHS to establish and maintain a registry of statistical information regarding children's deaths that was accessible to the public.

The registry could not disclose any identifying information and could only include statistical information covering all of the following:

- The number of children who died while under court jurisdiction for child abuse or neglect regardless of placement setting.
- The number of children who died as a result of child abuse or neglect after a parent had one or more CPS complaints within the two years before the child's death and the category dispositions of those complaints.
- The total number of children who died under the above conditions in the preceding year.
- The CPS disposition of the child fatality.

Senate Bill 227 (S-1)

Under the bill, if a child who was under the family court's jurisdiction under Section 2(b) of the juvenile code died, the DHS would have to give written or electronic notice within one business day to the court that had jurisdiction over the child at the time of his or her death, the State Senator and State Representative representing the district in which the court was located, and the Children's Ombudsman. (Section 2(b) of the juvenile code grants the family court custody of a child in cases of suspected child abuse or neglect. Please see **BACKGROUND** for a more detailed description of that section.)

In addition, the DHS would have to notify the Ombudsman within one business day when a child died and any of the following applied:

- The child died during an active CPS investigation or an open CPS case.
- The DHS had received a prior CPS complaint concerning the child's caretaker.
- The death could have resulted from child abuse or neglect.

Senate Bill 228

A written report, document, or photograph filed with the DHS under the CPL is a confidential record available only to certain government agencies, law enforcement officials, and other specified entities, including a court that determines the information is necessary to decide an issue before the court.

The bill also would make the information available to a court that had jurisdiction over a child under Section 2(b) of the juvenile code, in the event of the child's death.

Senate Bill 229 (S-1)

The CPL requires each county to have a standing child fatality review team, although two or more counties may appoint a single review team for those counties.

The Law also requires the DHS to establish a multi-agency, multidisciplinary advisory committee to identify and make recommendations on policy and statutory changes pertaining to child fatalities and to guide statewide prevention, education, and training efforts.

The bill would require a review team and the advisory committee to include a representative of the local court.

The CPL requires the advisory committee to publish an annual report on child fatalities, using an annual compilation of child fatalities reported by the State Registrar under the Public Health Code and data received from the child fatality review teams. The report must

include information specified in the Law, and the DHS must transmit it to the Governor and the legislative committees with jurisdiction over child protection matters. The bill would require the advisory committee to transmit the final report to the DHS by December 31 of each year. The DHS would have to ensure publication of the report not less than 30 or more than 60 days after the advisory committee transmitted it to the DHS.

In addition, the bill would require the citizen review panel to review each child fatality involving allegations of child abuse or neglect for each child who, at the time of death or within the preceding 12 months, was under the jurisdiction of the family court in an abuse or neglect case.

(The CPL defines "citizen review panel" (CRP) as a panel established as required by the Federal Child Abuse Prevention and Treatment Act. Pursuant to Federal law, Michigan has a Child Death CRP, a Prevention CRP, and a Child Protective Services, Foster Care, and Adoption CRP.)

MCL 722.627b (S.B. 226)
Proposed MCL 722.627k (S.B. 227)
MCL 722.627 (S.B. 228)
722.627b (S.B. 229)

BACKGROUND

Section 2(b) of the juvenile code 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.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 226 (S-1)

According to the Department of Human Services, data that would be used in the registry mandated by the bill are already collected by the child fatality review teams and made available to the Legislature. The bill would likely lead to a small, indeterminate increase in administrative cost to the Department associated with modifying available information for use in a registry and modifying the Department's internet home page to meet the requirements of the bill.

Senate Bills 227 (S-1), 228, & 229 (S-1)

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Frances Carley

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.