

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5198**

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 7 (MCL 722.627), as amended by 2014 PA 30.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7. (1) The department shall maintain a statewide,  
2 electronic central registry to carry out the intent of this act.

3           (2) Unless made public as specified information released under  
4 section 7d, a written report, document, or photograph filed with  
5 the department as provided in this act is a confidential record  
6 available only to 1 or more of the following:

7           (a) A legally mandated public or private child protective  
8 agency investigating a report of known or suspected child abuse or  
9 child neglect or a legally mandated public or private child

1 protective agency or foster care agency prosecuting a disciplinary  
2 action against its own employee involving child protective services  
3 or foster records.

4 (b) A police or other law enforcement agency investigating a  
5 report of known or suspected child abuse or child neglect.

6 (c) A physician who is treating a child whom the physician  
7 reasonably suspects may be abused or neglected.

8 (d) A person legally authorized to place a child in protective  
9 custody when the person is confronted with a child whom the person  
10 reasonably suspects may be abused or neglected and the confidential  
11 record is necessary to determine whether to place the child in  
12 protective custody.

13 (e) A person, agency, or organization, including a  
14 multidisciplinary case consultation team, authorized to diagnose,  
15 care for, treat, or supervise a child or family who is the subject  
16 of a report or record under this act, or who is responsible for the  
17 child's health or welfare.

18 (f) A person named in the report or record as a perpetrator or  
19 alleged perpetrator of the child abuse or child neglect or a victim  
20 who is an adult at the time of the request, if the identity of the  
21 reporting person is protected as provided in section 5.

22 (g) A court for the purposes of determining the suitability of  
23 a person as a guardian of a minor or that otherwise determines that  
24 the information is necessary to decide an issue before the court, ~~or~~  
25 ~~In~~ **OR** **IN** the event of a child's death, a court that had  
26 jurisdiction over that child under section 2(b) of chapter XIIA of  
27 the probate code of 1939, 1939 PA 288, MCL 712A.2.

1 (h) A grand jury that determines the information is necessary  
2 to conduct the grand jury's official business.

3 (i) A person, agency, or organization engaged in a bona fide  
4 research or evaluation project. The person, agency, or organization  
5 shall not release information identifying a person named in the  
6 report or record unless that person's written consent is obtained.  
7 The person, agency, or organization shall not conduct a personal  
8 interview with a family without the family's prior consent and  
9 shall not disclose information that would identify the child or the  
10 child's family or other identifying information. The department  
11 director may authorize the release of information to a person,  
12 agency, or organization described in this subdivision if the  
13 release contributes to the purposes of this act and the person,  
14 agency, or organization has appropriate controls to maintain the  
15 confidentiality of personally identifying information for a person  
16 named in a report or record made under this act.

17 (j) A lawyer-guardian ad litem or other attorney appointed as  
18 provided by section 10.

19 (k) A child placing agency licensed under 1973 PA 116, MCL  
20 722.111 to 722.128, for the purpose of investigating an applicant  
21 for adoption, a foster care applicant or licensee or an employee of  
22 a foster care applicant or licensee, an adult member of an  
23 applicant's or licensee's household, or other persons in a foster  
24 care or adoptive home who are directly responsible for the care and  
25 welfare of children, to determine suitability of a home for  
26 adoption or foster care. The child placing agency shall disclose  
27 the information to a foster care applicant or licensee under 1973

1 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

2 (l) Family division of circuit court staff authorized by the  
3 court to investigate foster care applicants and licensees,  
4 employees of foster care applicants and licensees, adult members of  
5 the applicant's or licensee's household, and other persons in the  
6 home who are directly responsible for the care and welfare of  
7 children, for the purpose of determining the suitability of the  
8 home for foster care. The court shall disclose this information to  
9 the applicant or licensee.

10 (m) Subject to section 7a, a standing or select committee or  
11 appropriations subcommittee of either house of the legislature  
12 having jurisdiction over child protective services matters.

13 (n) The children's ombudsman appointed under the children's  
14 ombudsman act, 1994 PA 204, MCL 722.921 to 722.932.

15 (o) A child fatality review team established under section 7b  
16 and authorized under that section to investigate and review a child  
17 death.

18 (p) A county medical examiner or deputy county medical  
19 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the  
20 purpose of carrying out his or her duties under that act.

21 (q) A citizen review panel established by the department.  
22 Access under this subdivision is limited to information the  
23 department determines is necessary for the panel to carry out its  
24 prescribed duties.

25 (r) A child care regulatory agency.

26 (s) A foster care review board for the purpose of meeting the  
27 requirements of 1984 PA 422, MCL 722.131 to 722.139a.

1 (t) A local friend of the court office.

2 (U) A DEPARTMENT EMPLOYEE ACTIVELY REPRESENTING HIMSELF OR  
3 HERSELF IN A DISCIPLINARY ACTION, A LABOR UNION REPRESENTATIVE WHO  
4 IS ACTIVELY REPRESENTING A DEPARTMENT EMPLOYEE IN A DISCIPLINARY  
5 ACTION, OR AN ARBITRATOR OR ADMINISTRATIVE LAW JUDGE CONDUCTING A  
6 HEARING INVOLVING A DEPARTMENT EMPLOYEE'S DERELICTION, MALFEASANCE,  
7 OR MISFEASANCE OF DUTY, FOR USE SOLELY IN CONNECTION WITH THAT  
8 ACTION OR HEARING. INFORMATION DISCLOSED UNDER THIS SUBDIVISION  
9 SHALL BE RETURNED NOT LATER THAN 10 DAYS AFTER THE CONCLUSION OF  
10 THE ACTION OR HEARING. A RECIPIENT SHALL NOT RECEIVE FURTHER  
11 DISCLOSURES UNDER THIS SUBDIVISION WHILE HE OR SHE RETAINS  
12 DISCLOSED INFORMATION BEYOND THE DEADLINE SPECIFIED FOR RETURN.

13 (3) Subject to subsection (9), a person or entity to whom  
14 information described in subsection (2) is disclosed shall make the  
15 information available only to a person or entity described in  
16 subsection (2). This subsection does not require a court proceeding  
17 to be closed that otherwise would be open to the public.

18 (4) If the department classifies a report of suspected child  
19 abuse or child neglect as a central registry case, the department  
20 shall maintain a record in the central registry and, within 30 days  
21 after the classification, shall notify in writing each person who  
22 is named in the record as a perpetrator of the child abuse or child  
23 neglect. The notice shall be sent by registered or certified mail,  
24 return receipt requested, and delivery restricted to the addressee.  
25 The notice shall set forth the person's right to request expunction  
26 of the record and the right to a hearing if the department refuses  
27 the request. The notice shall state that the record may be released

1 under section 7d. The notice shall not identify the person  
2 reporting the suspected child abuse or child neglect.

3 (5) A person who is the subject of a report or record made  
4 under this act may request the department to amend an inaccurate  
5 report or record from the central registry and local office file. A  
6 person who is the subject of a report or record made under this act  
7 may request the department to expunge from the central registry a  
8 report or record by requesting a hearing under subsection (6). A  
9 report or record filed in a local office file is not subject to  
10 expunction except as the department authorizes, if considered in  
11 the best interest of the child.

12 (6) A person who is the subject of a report or record made  
13 under this act may, within 180 days from the date of service of  
14 notice of the right to a hearing, request the department hold a  
15 hearing to review the request for amendment or expunction. If the  
16 hearing request is made within 180 days of the notice, the  
17 department shall hold a hearing to determine by a preponderance of  
18 the evidence whether the report or record in whole or in part  
19 should be amended or expunged from the central registry. The  
20 hearing shall be held before a hearing officer appointed by the  
21 department and shall be conducted as prescribed by the  
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
23 24.328. The department may, for good cause, hold a hearing under  
24 this subsection if the department determines that the person who is  
25 the subject of the report or record submitted the request for a  
26 hearing within 60 days after the 180-day notice period expired.

27 (7) If the investigation of a report conducted under this act

1 does not show child abuse or child neglect by a preponderance of  
2 evidence, or if a court dismisses a petition based on the merits of  
3 the petition filed under section 2(b) of chapter XIIA of the  
4 probate code of 1939, 1939 PA 288, MCL 712A.2, because the  
5 petitioner has failed to establish that the child comes within the  
6 jurisdiction of the court, the information identifying the subject  
7 of the report shall be expunged from the central registry. If a  
8 preponderance of evidence of abuse or neglect exists, or if a court  
9 takes jurisdiction of the child under section 2(b) of chapter XIIA  
10 of the probate code of 1939, 1939 PA 288, MCL 712A.2, the  
11 department shall maintain the information in the central registry  
12 as follows:

13 (a) Except as provided in subdivision (b), for a person listed  
14 as a perpetrator in category I or II under section 8d, either as a  
15 result of an investigation or as a result of the reclassification  
16 of a case, the department shall maintain the information in the  
17 central registry for 10 years.

18 (b) For a person listed as a perpetrator in category I or II  
19 under section 8d that involved any of the circumstances listed in  
20 section 17(1) or 18(1), the department shall maintain the  
21 information in the central registry until the department receives  
22 reliable information that the perpetrator of the abuse or neglect  
23 is dead. For the purpose of this subdivision, "reliable  
24 information" includes, but is not limited to, information obtained  
25 using the United States social security death index database.

26 (c) For a person who is the subject of a report or record made  
27 under this act before the effective date of the amendatory act that

1 added this subdivision, the following applies:

2 (i) Except as provided in subparagraph (ii), for a person listed  
3 as perpetrator in category I or II under section 8d either as a  
4 result of an investigation or as a result of the reclassification  
5 of a case, the department may remove the information for a person  
6 described in this subparagraph after 10 years without a request for  
7 amendment or expunction.

8 (ii) For a person listed as a perpetrator in category I or II  
9 under section 8d that involved any of the circumstances listed in  
10 section 17(1) or 18(1), the department shall maintain the  
11 information in the central registry until the department receives  
12 reliable information that the perpetrator of the child abuse or  
13 child neglect is dead. For the purpose of this subparagraph,  
14 "reliable information" includes, but is not limited to, information  
15 obtained using the United States social security death index  
16 database.

17 (8) In releasing information under this act, the department  
18 shall not include a report compiled by a police agency or other law  
19 enforcement agency related to an ongoing investigation of suspected  
20 child abuse or child neglect. This subsection does not ~~prevent~~  
21 **PROHIBIT** the department from releasing reports of convictions of  
22 crimes related to child abuse or child neglect.

23 (9) A member or staff member of a citizen review panel shall  
24 not disclose identifying information about a specific child  
25 protection case to an individual, partnership, corporation,  
26 association, governmental entity, or other legal entity. A member  
27 or staff member of a citizen review panel is a member of a board,



1 council, commission, or statutorily created task force of a  
2 governmental agency for the purposes of section 7 of 1964 PA 170,  
3 MCL 691.1407. Information obtained by a citizen review panel is not  
4 subject to the freedom of information act, 1976 PA 442, MCL 15.231  
5 to 15.246.

6 ~~—— (10) An agency obtaining a confidential record under~~  
7 ~~subsection (2) (a) may seek an order from the court having~~  
8 ~~jurisdiction over the child or from the family division of the~~  
9 ~~Ingham county circuit court that allows the agency to disseminate~~  
10 ~~confidential child protective services or foster care information~~  
11 ~~to pursue sanctions for alleged dereliction, malfeasance, or~~  
12 ~~misfeasance of duty against an employee of the agency, to a~~  
13 ~~recognized labor union representative of the employee's bargaining~~  
14 ~~unit, or to an arbitrator or an administrative law judge who~~  
15 ~~conducts a hearing involving the employee's alleged dereliction,~~  
16 ~~malfeasance, or misfeasance of duty to be used solely in connection~~  
17 ~~with that hearing. Information released under this subsection shall~~  
18 ~~be released in a manner that maintains the greatest degree of~~  
19 ~~confidentiality while allowing review of employee performance.~~