

SENATE BILL No. 1021

June 8, 2016, Introduced by Senators STAMAS, JONES, BOOHER, BRANDENBURG, PROOS, PAVLOV, MACGREGOR, NOFS, HANSEN, EMMONS and ZORN and referred to the Committee on Judiciary.

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7, and 8 (MCL 722.622, 722.627, and 722.628), sections 2 and 7 as amended by 2016 PA 35 and section 8 as amended by 2008 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Adult foster care location authorized to care for a
3 child" means an adult foster care family home or adult foster care
4 small group home as defined in section 3 of the adult foster care
5 facility licensing act, 1979 PA 218, MCL 400.703, in which a child
6 is placed in accordance with section 5 of 1973 PA 116, MCL 722.115.

7 (b) "Attorney" means, if appointed to represent a child under
8 the provisions referenced in section 10, an attorney serving as the

1 child's legal advocate in the manner defined and described in
2 section 13a of chapter XIIA of the probate code of 1939, 1939 PA
3 288, MCL 712A.13a.

4 (c) "Central registry" means the system maintained at the
5 department that is used to keep a record of all reports filed with
6 the department under this act in which relevant and accurate
7 evidence of child abuse or child neglect is found to exist.

8 (d) "Central registry case" means a child protective services
9 case that the department classifies under sections 8 and 8d as
10 category I or category II. For a child protective services case
11 that was investigated before July 1, 1999, central registry case
12 means an allegation of child abuse or child neglect that the
13 department substantiated.

14 (e) "Centralized intake" means the department's statewide
15 centralized processing center for reports of suspected child abuse
16 and child neglect.

17 (f) "Child" means a person under 18 years of age.

18 (g) "Child abuse" means harm or threatened harm to a child's
19 health or welfare that occurs through nonaccidental physical or
20 mental injury, sexual abuse, sexual exploitation, or maltreatment,
21 by a parent, a legal guardian, or any other person responsible for
22 the child's health or welfare or by a teacher, a teacher's aide, or
23 a member of the clergy.

24 (h) "Child care organization" means that term as defined in
25 section 1 of 1973 PA 116, MCL 722.111.

26 (i) "Child care provider" means an owner, operator, employee,
27 or volunteer of a child care organization or of an adult foster

1 care location authorized to care for a child.

2 (j) "Child care regulatory agency" means the department of
3 licensing and regulatory affairs or a successor state department
4 that is responsible for the licensing or registration of child care
5 organizations or the licensing of adult foster care locations
6 authorized to care for a child.

7 (k) "Child neglect" means harm or threatened harm to a child's
8 health or welfare by a parent, legal guardian, or any other person
9 responsible for the child's health or welfare that occurs through
10 either of the following:

11 (i) Negligent treatment, including the failure to provide
12 adequate food, clothing, shelter, or medical care.

13 (ii) Placing a child at an unreasonable risk to the child's
14 health or welfare by failure of the parent, legal guardian, or
15 other person responsible for the child's health or welfare to
16 intervene to eliminate that risk when that person is able to do so
17 and has, or should have, knowledge of the risk.

18 **(l) "CHILDREN'S ADVOCACY CENTER" MEANS AN ENTITY ACCREDITED AS**
19 **A CHILD ADVOCACY CENTER BY THE NATIONAL CHILDREN'S ALLIANCE OR ITS**
20 **SUCCESSOR AGENCY OR AN ENTITY GRANTED ASSOCIATE OR DEVELOPING**
21 **MEMBERSHIP STATUS BY THE NATIONAL CHILDREN'S ALLIANCE OR ITS**
22 **SUCCESSOR AGENCY.**

23 **(M) ~~(l)~~**"Citizen review panel" means a panel established as
24 required by section ~~106 of title I~~**5106A** of the child abuse
25 prevention and treatment act, 42 USC 5106a.

26 **(N) ~~(m)~~**"Member of the clergy" means a priest, minister,
27 rabbi, Christian science practitioner, or other religious

1 practitioner, or similar functionary of a church, temple, or
2 recognized religious body, denomination, or organization.

3 (O) ~~(n)~~—"Controlled substance" means that term as defined in
4 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

5 (P) ~~(e)~~—"CPSI system" means the child protective service
6 information system, which is an internal data system maintained
7 within and by the department, and which is separate from the
8 central registry and not subject to section 7.

9 (Q) ~~(p)~~—"Department" means the department of health and human
10 services.

11 (R) ~~(q)~~—"Director" means the director of the department.

12 (S) ~~(r)~~—"Expunge" means to physically remove or eliminate and
13 destroy a record or report.

14 (T) ~~(s)~~—"Lawyer-guardian ad litem" means an attorney appointed
15 under section 10 who has the powers and duties referenced by
16 section 10.

17 (U) ~~(t)~~—"Local office file" means the system used to keep a
18 record of a written report, document, or photograph filed with and
19 maintained by a county or a regionally based office of the
20 department.

21 (V) ~~(u)~~—"Nonparent adult" means a person who is 18 years of
22 age or older and who, regardless of the person's domicile, meets
23 all of the following criteria in relation to a child:

24 (i) Has substantial and regular contact with the child.

25 (ii) Has a close personal relationship with the child's parent
26 or with a person responsible for the child's health or welfare.

27 (iii) Is not the child's parent or a person otherwise related

1 to the child by blood or affinity to the third degree.

2 (W) ~~(v)~~—"Online reporting system" means the electronic system
3 established by the department for individuals identified in section
4 3(1) to report suspected child abuse or child neglect.

5 (X) ~~(w)~~—"Person responsible for the child's health or welfare"
6 means a parent, legal guardian, person 18 years of age or older who
7 resides for any length of time in the same home in which the child
8 resides, or, except when used in section 7(2)(e) or 8(8), nonparent
9 adult; or an owner, operator, volunteer, or employee of 1 or more
10 of the following:

11 (i) A licensed or registered child care organization.

12 (ii) A licensed or unlicensed adult foster care family home or
13 adult foster care small group home as defined in section 3 of the
14 adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

15 (iii) A court-operated facility as approved under section 14
16 of the social welfare act, 1939 PA 280, MCL 400.14.

17 (Y) ~~(x)~~—"Relevant evidence" means evidence having a tendency
18 to make the existence of a fact that is at issue more probable than
19 it would be without the evidence.

20 (Z) ~~(y)~~—"Sexual abuse" means engaging in sexual contact or
21 sexual penetration as those terms are defined in section 520a of
22 the Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.

23 (AA) ~~(z)~~—"Sexual exploitation" includes allowing, permitting,
24 or encouraging a child to engage in prostitution, or allowing,
25 permitting, encouraging, or engaging in the photographing, filming,
26 or depicting of a child engaged in a listed sexual act as defined
27 in section 145c of the Michigan penal code, 1931 PA 328, MCL

1 750.145c.

2 (BB) ~~(aa)~~—"Specified information" means information in a
3 children's protective services case record related specifically to
4 the department's actions in responding to a complaint of child
5 abuse or child neglect. Specified information does not include any
6 of the following:

7 (i) Except as provided in this subparagraph regarding a
8 perpetrator of child abuse or child neglect, personal
9 identification information for any individual identified in a child
10 protective services record. The exclusion of personal
11 identification information as specified information prescribed by
12 this subparagraph does not include personal identification
13 information identifying an individual alleged to have perpetrated
14 child abuse or child neglect, which allegation has been classified
15 as a central registry case.

16 (ii) Information in a **POLICE AGENCY REPORT OR OTHER** law
17 enforcement **AGENCY** report as provided in section 7(8).

18 (iii) Any other information that is specifically designated as
19 confidential under other law.

20 (iv) Any information not related to the department's actions
21 in responding to a report of child abuse or child neglect.

22 (CC) ~~(bb)~~—"Structured decision-making tool" means the
23 department document labeled "DSS-4752 (P3) (3-95)" or a revision of
24 that document that better measures the risk of future harm to a
25 child.

26 (DD) ~~(cc)~~—"Substantiated" means a child protective services
27 case classified as a central registry case.

1 (**EE**) ~~(dd)~~—"Unsubstantiated" means a child protective services
2 case the department classifies under sections 8 and 8d as category
3 III, category IV, or category V.

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

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

10 (a) A legally mandated public or private child protective
11 agency investigating a report of known or suspected child abuse or
12 child neglect or a legally mandated public or private child
13 protective agency or foster care agency prosecuting a disciplinary
14 action against its own employee involving child protective services
15 or foster records.

16 (b) A police **AGENCY** or other law enforcement agency
17 investigating a report of known or suspected child abuse or child
18 neglect.

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

21 (d) A person legally authorized to place a child in protective
22 custody when the person is confronted with a child whom the person
23 reasonably suspects may be abused or neglected and the confidential
24 record is necessary to determine whether to place the child in
25 protective custody.

26 (e) A person, agency, or organization, including a
27 multidisciplinary case consultation team, authorized to diagnose,

1 care for, treat, or supervise a child or family who is the subject
2 of a report or record under this act, or who is responsible for the
3 child's health or welfare.

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

8 (g) A court for the purposes of determining the suitability of
9 a person as a guardian of a minor or that otherwise determines that
10 the information is necessary to decide an issue before the court,
11 or in the event of a child's death, a court that had jurisdiction
12 over that child under section 2(b) of chapter XIIA of the probate
13 code of 1939, 1939 PA 288, MCL 712A.2.

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

16 (i) A person, agency, or organization engaged in a bona fide
17 research or evaluation project. The person, agency, or organization
18 shall not release information identifying a person named in the
19 report or record unless that person's written consent is obtained.
20 The person, agency, or organization shall not conduct a personal
21 interview with a family without the family's prior consent and
22 shall not disclose information that would identify the child or the
23 child's family or other identifying information. The department
24 director may authorize the release of information to a person,
25 agency, or organization described in this subdivision if the
26 release contributes to the purposes of this act and the person,
27 agency, or organization has appropriate controls to maintain the

1 confidentiality of personally identifying information for a person
2 named in a report or record made under this act.

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

5 (k) A child placing agency licensed under 1973 PA 116, MCL
6 722.111 to 722.128, for the purpose of investigating an applicant
7 for adoption, a foster care applicant or licensee or an employee of
8 a foster care applicant or licensee, an adult member of an
9 applicant's or licensee's household, or other persons in a foster
10 care or adoptive home who are directly responsible for the care and
11 welfare of children, to determine suitability of a home for
12 adoption or foster care. The child placing agency shall disclose
13 the information to a foster care applicant or licensee under 1973
14 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

15 (l) Family division of circuit court staff authorized by the
16 court to investigate foster care applicants and licensees,
17 employees of foster care applicants and licensees, adult members of
18 the applicant's or licensee's household, and other persons in the
19 home who are directly responsible for the care and welfare of
20 children, for the purpose of determining the suitability of the
21 home for foster care. The court shall disclose this information to
22 the applicant or licensee.

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

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

1 (o) A child fatality review team established under section 7b
2 and authorized under that section to investigate and review a child
3 death.

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

7 (q) A citizen review panel established by the department.
8 Access under this subdivision is limited to information the
9 department determines is necessary for the panel to carry out its
10 prescribed duties.

11 (r) A child care regulatory agency.

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

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

15 (u) A department employee actively representing himself or
16 herself in a disciplinary action, a labor union representative who
17 is actively representing a department employee in a disciplinary
18 action, or an arbitrator or administrative law judge conducting a
19 hearing involving a department employee's dereliction, malfeasance,
20 or misfeasance of duty, for use solely in connection with that
21 action or hearing. Information disclosed under this subdivision
22 shall be returned not later than 10 days after the conclusion of
23 the action or hearing. A recipient shall not receive further
24 disclosures under this subdivision while he or she retains
25 disclosed information beyond the deadline specified for return.

26 (v) A federal or state governmental agency that may, by law,
27 conduct an audit or similar review of the department's activities

1 under this act.

2 **(W) A CHILDREN'S ADVOCACY CENTER IN THE COURSE OF PROVIDING**
3 **SERVICES TO A CHILD ALLEGED TO HAVE BEEN THE VICTIM OF CHILD ABUSE**
4 **OR CHILD NEGLECT OR TO THAT CHILD'S FAMILY.**

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

10 (4) If the department classifies a report of suspected child
11 abuse or child neglect as a central registry case, the department
12 shall maintain a record in the central registry and, within 30 days
13 after the classification, shall notify in writing each person who
14 is named in the record as a perpetrator of the child abuse or child
15 neglect. The notice shall be sent by registered or certified mail,
16 return receipt requested, and delivery restricted to the addressee.
17 The notice shall set forth the person's right to request expunction
18 of the record and the right to a hearing if the department refuses
19 the request. The notice shall state that the record may be released
20 under section 7d. The notice shall not identify the person
21 reporting the suspected child abuse or child neglect.

22 (5) A person who is the subject of a report or record made
23 under this act may request the department to amend an inaccurate
24 report or record from the central registry and local office file. A
25 person who is the subject of a report or record made under this act
26 may request the department to expunge from the central registry a
27 report or record by requesting a hearing under subsection (6). A

1 report or record filed in a local office file is not subject to
2 expunction except as the department authorizes, if considered in
3 the best interest of the child.

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

19 (7) If the investigation of a report conducted under this act
20 does not show child abuse or child neglect by a preponderance of
21 evidence, or if a court dismisses a petition based on the merits of
22 the petition filed under section 2(b) of chapter XIIIA of the
23 probate code of 1939, 1939 PA 288, MCL 712A.2, because the
24 petitioner has failed to establish that the child comes within the
25 jurisdiction of the court, the information identifying the subject
26 of the report shall be expunged from the central registry. If a
27 preponderance of evidence of **CHILD** abuse or **CHILD** neglect exists,

1 or if a court takes jurisdiction of the child under section 2(b) of
2 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
3 the department shall maintain the information in the central
4 registry as follows:

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

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

19 (c) For a person who is the subject of a report or record made
20 under this act before March 31, 2015, the following ~~applies~~**APPLY**:

21 (i) Except as provided in subparagraph (ii), for a person
22 listed as perpetrator in category I or II under section 8d either
23 as a result of an investigation or as a result of the
24 reclassification of a case, the department may remove the
25 information for a person described in this subparagraph after 10
26 years without a request for amendment or expunction.

27 (ii) For a person listed as a perpetrator in category I or II

1 under section 8d that involved any of the circumstances listed in
2 section 17(1) or 18(1), the department shall maintain the
3 information in the central registry until the department receives
4 reliable information that the perpetrator of the child abuse or
5 child neglect is dead. For the purpose of this subparagraph,
6 "reliable information" includes, but is not limited to, information
7 obtained using the United States social security death index
8 database.

9 (8) In releasing information under this act, the department
10 shall not include a report compiled by a police agency or other law
11 enforcement agency related to an ongoing investigation of suspected
12 child abuse or child neglect. This subsection does not prohibit the
13 department from releasing reports of convictions of crimes related
14 to child abuse or child neglect.

15 (9) A member or staff member of a citizen review panel shall
16 not disclose identifying information about a specific child
17 protection case to an individual, partnership, corporation,
18 association, governmental entity, or other legal entity. A member
19 or staff member of a citizen review panel is a member of a board,
20 council, commission, or statutorily created task force of a
21 governmental agency for the purposes of section 7 of 1964 PA 170,
22 MCL 691.1407. Information obtained by a citizen review panel is not
23 subject to the freedom of information act, 1976 PA 442, MCL 15.231
24 to 15.246.

25 (10) Documents, reports, or records authored by or obtained
26 from another agency or organization shall not be released or open
27 for inspection under subsection (2) unless required by other state

1 or federal law, in response to an order issued by a judge,
2 magistrate, or other authorized judicial officer, or unless the
3 documents, reports, or records are requested for a child abuse or
4 child neglect case or for a criminal investigation of a child abuse
5 or child neglect case conducted by law enforcement.

6 Sec. 8. (1) Within 24 hours after receiving a report made
7 under this act, the department shall refer the report to the
8 prosecuting attorney and the local law enforcement agency if the
9 report meets the requirements of subsection (3)(a), (b), or (c) or
10 section 3(6) or (9) or shall commence an investigation of the child
11 suspected of being abused or neglected. Within 24 hours after
12 receiving a report whether from the reporting person or from the
13 department under subsection (3)(a), (b), or (c) or section 3(6) or
14 (9), the local law enforcement agency shall refer the report to the
15 department if the report meets the requirements of section 3(7) or
16 shall commence an investigation of the child suspected of being
17 abused or neglected or exposed to or who has had contact with
18 methamphetamine production. If the child suspected of being abused
19 or exposed to or who has had contact with methamphetamine
20 production is not in the physical custody of the parent or legal
21 guardian and informing the parent or legal guardian would not
22 endanger the child's health or welfare, the **LOCAL LAW ENFORCEMENT**
23 agency or the department shall inform the child's parent or legal
24 guardian of the investigation as soon as the **LOCAL LAW ENFORCEMENT**
25 agency or the department discovers the identity of the child's
26 parent or legal guardian.

27 (2) In the course of its investigation, the department shall

1 determine if the child is abused or neglected. The department shall
2 cooperate with law enforcement officials, courts of competent
3 jurisdiction, **CHILDREN'S ADVOCACY CENTERS**, and appropriate state
4 agencies providing human services in relation to preventing,
5 identifying, and treating child abuse and **CHILD** neglect; shall
6 provide, enlist, and coordinate the necessary services, directly or
7 through the purchase of services from other agencies and
8 professions; and shall take necessary action to prevent further
9 abuses, to safeguard and enhance the child's welfare, and to
10 preserve family life where possible. In the course of an
11 investigation, at the time that a department investigator contacts
12 an individual about whom a report has been made under this act or
13 contacts an individual responsible for the health or welfare of a
14 child about whom a report has been made under this act, the
15 department investigator shall advise that individual of the
16 department investigator's name, whom the department investigator
17 represents, and the specific complaints or allegations made against
18 the individual. The department shall ensure that its policies,
19 procedures, and administrative rules ensure compliance with the
20 provisions of this act.

21 (3) In conducting its investigation, the department shall seek
22 the assistance of and cooperate with law enforcement officials
23 within 24 hours after becoming aware that 1 or more of the
24 following conditions exist:

25 (a) ~~Abuse~~ **CHILD ABUSE** or **CHILD** neglect is the suspected cause
26 of a child's death.

27 (b) The child is the victim of suspected sexual abuse or

1 sexual exploitation.

2 (c) ~~Abuse~~ **CHILD ABUSE** or **CHILD** neglect resulting in severe
3 physical injury to the child. For purposes of this subdivision and
4 section 17, "severe physical injury" means an injury to the child
5 that requires medical treatment or hospitalization and that
6 seriously impairs the child's health or physical well-being.

7 (d) Law enforcement intervention is necessary for the
8 protection of the child, a department employee, or another person
9 involved in the investigation.

10 (e) The alleged perpetrator of the child's injury is not a
11 person responsible for the child's health or welfare.

12 (f) The child has been exposed to or had contact with
13 methamphetamine production.

14 (4) Law enforcement officials shall cooperate with the
15 department **AND CHILDREN'S ADVOCACY CENTERS** in conducting
16 investigations under subsections (1) and (3) and shall comply with
17 sections 5 and 7. The department and law enforcement officials
18 shall conduct investigations in compliance with the protocols
19 adopted and implemented as required by subsection (6).

20 (5) Involvement of law enforcement officials under this
21 section does not relieve or prevent the department from proceeding
22 with its investigation or treatment if there is reasonable cause to
23 suspect that the child abuse or **CHILD** neglect was committed by a
24 person responsible for the child's health or welfare.

25 (6) In each county, the prosecuting attorney and the
26 department shall develop and establish procedures for involving law
27 enforcement officials **AND CHILDREN'S ADVOCACY CENTERS** as provided

1 in this section. In each county, the prosecuting attorney and the
2 department shall adopt and implement standard child abuse and **CHILD**
3 neglect investigation and interview protocols using as a model the
4 protocols developed by the governor's task force on children's
5 justice as published in FIA Publication 794 (revised 8-98) and FIA
6 Publication 779 (8-98), or an updated version of those
7 publications.

8 (7) If there is reasonable cause to suspect that a child in
9 the care of or under the control of a public or private agency,
10 institution, or facility is an abused or neglected child, the
11 agency, institution, or facility shall be investigated by an agency
12 administratively independent of the agency, institution, or
13 facility being investigated. If the investigation produces evidence
14 of a violation of section 145c or sections 520b to 520g of the
15 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to
16 750.520g, the investigating agency shall transmit a copy of the
17 results of the investigation to the prosecuting attorney of the
18 county in which the agency, institution, or facility is located.

19 (8) A school or other institution shall cooperate with the
20 department during an investigation of a report of child abuse or
21 **CHILD** neglect. Cooperation includes allowing access to the child
22 without parental consent if access is determined by the department
23 to be necessary to complete the investigation or to prevent **CHILD**
24 abuse or **CHILD** neglect of the child. The department shall notify
25 the person responsible for the child's health or welfare about the
26 department's contact with the child at the time or as soon
27 afterward as the person can be reached. The department may delay

1 the notice if the notice would compromise the safety of the child
2 or child's siblings or the integrity of the investigation, but only
3 for the time 1 of those conditions exists.

4 (9) If the department has contact with a child in a school,
5 all of the following apply:

6 (a) Before contact with the child, the department investigator
7 shall review with the designated school staff person the
8 department's responsibilities under this act and the investigation
9 procedure.

10 (b) After contact with the child, the department investigator
11 shall meet with the designated school staff person and the child
12 about the response the department will take as a result of contact
13 with the child. The department may also meet with the designated
14 school staff person without the child present and share additional
15 information the investigator determines may be shared subject to
16 the confidentiality provisions of this act.

17 (c) Lack of cooperation by the school does not relieve or
18 prevent the department from proceeding with its responsibilities
19 under this act.

20 (10) A child shall not be subjected to a search at a school
21 that requires the child to remove his or her clothing to expose his
22 buttocks or genitalia or her breasts, buttocks, or genitalia unless
23 the department has obtained an order from a court of competent
24 jurisdiction permitting such a search. If the access occurs within
25 a hospital, the investigation shall be conducted so as not to
26 interfere with the medical treatment of the child or other
27 patients.

1 (11) The department shall enter each report made under this
2 act that is the subject of a field investigation into the CPSI
3 system. The department shall maintain a report entered on the CPSI
4 system as required by this subsection until the child about whom
5 the investigation is made is 18 years old or until 10 years after
6 the investigation is commenced, whichever is later, or, if the case
7 is classified as a central registry case, until the department
8 receives reliable information that the perpetrator of the **CHILD**
9 abuse or **CHILD** neglect is dead. Unless made public as specified
10 information released under section 7d, a report that is maintained
11 on the CPSI system is confidential and is not subject to the
12 disclosure requirements of the freedom of information act, 1976 PA
13 442, MCL 15.231 to 15.246.

14 (12) After completing a field investigation and based on its
15 results, the department shall determine in which single category,
16 prescribed by section 8d, to classify the allegation of child abuse
17 or **CHILD** neglect.

18 (13) Except as provided in subsection (14), upon completion of
19 the investigation by the local law enforcement agency or the
20 department, the law enforcement agency or department may inform the
21 person who made the report as to the disposition of the report.

22 (14) If the person who made the report is mandated to report
23 under section 3, upon completion of the investigation by the
24 department, the department shall inform the person in writing as to
25 the disposition of the case and shall include in the information at
26 least all of the following:

27 (a) What determination the department made under subsection

1 (12) and the rationale for that decision.

2 (b) Whether legal action was commenced and, if so, the nature
3 of that action.

4 (c) Notification that the information being conveyed is
5 confidential.

6 (15) Information sent under subsection (14) shall not include
7 personally identifying information for a person named in a report
8 or record made under this act.

9 (16) Unless section 5 of chapter XII of the probate code of
10 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the
11 department, the surrender of a newborn in compliance with chapter
12 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,
13 is not reasonable cause to suspect child abuse or **CHILD** neglect and
14 is not subject to the section 3 reporting requirement. This
15 subsection does not apply to circumstances that arise on or after
16 the date that chapter XII of the probate code of 1939, 1939 PA 288,
17 MCL 712.1 to 712.20, is repealed. This subsection applies to a
18 newborn whose birth is described in the born alive infant
19 protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is
20 considered to be a newborn surrendered under the safe delivery of
21 newborns law as provided in section 3 of chapter XII of the probate
22 code of 1939, 1939 PA 288, MCL 712.3.

23 (17) All department employees involved in investigating child
24 abuse or child neglect cases shall be trained in the legal duties
25 to protect the state and federal constitutional and statutory
26 rights of children and families from the initial contact of an
27 investigation through the time services are provided.

1 (18) The department shall determine whether there is an open
2 friend of the court case regarding a child who is suspected of
3 being abused or neglected if a child protective services
4 investigation of child abuse and **CHILD** neglect allegations result
5 in any of the following dispositions:

6 (a) A finding that a preponderance of evidence indicates that
7 there has been child abuse ~~and~~**OR CHILD** neglect.

8 (b) Emergency removal of the child for child abuse ~~and~~**OR**
9 **CHILD** neglect before the investigation is completed.

10 (c) The family court takes jurisdiction on a petition and a
11 child is maintained in his or her own home under the supervision of
12 the department.

13 (d) If 1 or more children residing in the home are removed and
14 1 or more children remain in the home.

15 (e) Any other circumstances that the department determines are
16 applicable and related to child safety.

17 (19) If the department determines that there is an open friend
18 of the court case and the provisions of subsection (18) apply, the
19 department shall notify the office of the friend of the court in
20 the county in which the friend of the court case is open that there
21 is an investigation being conducted under this act regarding that
22 child and shall also report to the local friend of the court office
23 when there is a change in that child's placement.

24 (20) Child protective services may report to the local friend
25 of the court office any situation in which a parent, more than 3
26 times within 1 year or on 5 cumulative reports over several years,
27 made unfounded reports to child protective services regarding

1 alleged child abuse or **CHILD** neglect of his or her child.

2 (21) If the department determines that there is an open friend
3 of the court case, the department shall provide noncustodial
4 parents of a child who is suspected of being abused or neglected
5 with the form developed by the department that has information on
6 how to change a custody or parenting time court order.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.