



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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House Bill 5274 (Substitute S-1 as reported)  
House Bill 5275 (Substitute S-2 as reported)  
House Bill 5276 (Substitute S-1 as reported)  
House Bill 5277 (Substitute S-1 as reported)  
House Bill 5278 (as reported without amendment)  
House Bills 5279 and 5280 (Substitute H-1 as reported without amendment)  
House Bill 5534 (Substitute H-1 as reported without amendment)  
House Bill 5594 (Substitute S-1 as reported)  
Sponsor: Representative Luke Meerman (H.B. 5274)  
Representative David LaGrand (H.B. 5275)  
Representative Kevin Hertel (H.B. 5276)  
Representative Michele Hoitenga (H.B. 5277)  
Representative Brenda Carter (H.B. 5278)  
Representative Darrin Camilleri (H.B. 5279)  
Representative Andrew Fink (H.B. 5280)  
Representative Steven Johnson (H.B. 5534)  
Representative Pamela Hornberger (H.B. 5594)  
House Committee: Families, Children, and Seniors  
Senate Committee: Judiciary and Public Safety

**CONTENT**

House Bill 5277 (S-1) would amend the Child Protection Law (CPL) to modify and enact various definitions.

House Bill 5278 would amend Section 7 of the CPL to do the following:

- Delete a provision requiring the Department of Health and Human Services (DHHS) to maintain a statewide electronic Central Registry to carry out the intent of the CPL.
- Require certain confidential documents and materials to be made available to a licensed child caring institution for certain employment purposes.
- Delete provisions requiring the DHHS to maintain certain records in the Central Registry and send written notice to each person who is named in the record as a perpetrator of the child abuse or neglect; establishing a process by which a person who is the subject of a report or record may request that the DHHS expunge it from the Central Registry; and prescribing various record retention procedures.

House Bill 5275 (S-1) would amend Section 7j of the CPL to recodify, and expand, various provisions from Section 7 that House Bill 5278 would delete. Specifically, the bill would do the following:

- Require the DHHS to maintain a statewide electronic case management system.
- Require the DHHS to classify a confirmed case of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation, as well as certain other felony convictions upon request from the court in which the conviction occurred, as a Central Registry case.

- Require the DHHS to notify in writing, within 30 days after the classification of a Central Registry case, each person who was named in the record as a perpetrator of the confirmed serious abuse or neglect, confirmed sexual abuse, confirmed sexual exploitation, or confirmed case of methamphetamine production.
- Establish a process for a person who was the subject of a report or record to request the DHHS amend an inaccurate report or record from the Central Registry and local office file and establish an appeals process.
- Establish hearing procedures to determine whether a report or record should be amended.

House Bill 5274 (S-1) would amend Section 8 of the CPL to require the DHHS to determine whether the child abuse or child neglect would have to be classified as a Central Registry case, and to recodify, and expand, various provisions from Section 7 that House Bill 5278 would delete. Specifically, the bill would do the following:

- Allow a person who was the subject of a report or record made under the CPL for certain specified violations to request the DHHS amend an inaccurate report or record from a local office file.
- Require the DHHS to notify in writing, within 30 days after the classification of a confirmed case that did not result in being placed on the Central Registry, each person who was named in the report or record as a perpetrator of confirmed serious abuse or neglect.
- Require a request to amend an inaccurate report or record to be made within 180 days after the date of service of notice of a confirmed serious abuse or neglect.
- Require the DHHS to create an administrative process to determine whether a report or record should be amended.

House Bill 5276 (S-1) would amend the CPL to do the following:

- Modify various provisions to refer to whether a case was *confirmed* or *not confirmed* instead of substantiated or unsubstantiated.
- Delete provisions requiring the DHHS to list the perpetrator of the child abuse or neglect, based on the report that was the subject of a field investigation, on the Central Registry, either by name or as "unknown" if the perpetrator has not been identified.
- Delete provisions pertaining to the DHHS's use of a structured decision-making tool.

House Bill 5279 (H-1) would amend the child care licensing Act, to change citations to the Michigan Compiled Laws that House Bill 5278 would amend.

House Bill 5280 (H-1) would amend the child care licensing Act to modify the definition of "severe physical injury".

House Bill 5534 (H-1) would amend the child care licensing Act to prescribe a process to allow a former applicant or former licensee to request an administrative review by the department<sup>1</sup> responsible for licensure under the Act.

House Bill 5594 (S-1) would amend the CPL to prescribe a process to allow an individual who was listed on the Central Registry before the bill's effective date to submit to the DHHS for an administrative review for the expungement of the individual's name from the statewide electronic case management system.

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<sup>1</sup> Under the child care licensing Act, LARA is responsible for licensing and regulatory matters for child care centers, group child care homes, family child care homes, children's camps, and children's campsites. The DHHS is responsible for licensing and regulatory matters for child caring institutions, child placing agencies, children's therapeutic group homes, foster family homes, and foster family group homes.

House Bills 5274 (S-1) through 5278 are tie-barred to each other. House Bill 5275 (S-1) also is tie-barred to House Bill 5534. House Bill 5279 (H-1) is tie-barred to House Bill 5278. House Bill 5280 (H-1) is tie-barred to House Bill 5274. House Bill 5534 (H-1) is tie-barred to House Bills 5275 and 5594. House Bill 5594 (S-1) is tie-barred to House Bills 5275 and 5534. Each bill would take effect 180 days after its enactment.

MCL 722.628 (H.B. 5274)  
722.627j (H.B. 5275)  
722.623 et al. (H.B. 5276)  
722.622 (H.B. 5277)  
722.627 (H.B. 5278)  
722.120 (H.B. 5279)  
722.111 (H.B. 5280)  
722.119 (H.B. 5534)

Legislative Analyst: Stephen Jackson

Proposed MCL 722.627l (H.B. 5594)

### **FISCAL IMPACT**

House Bill 5274 (S-1) would have an uncertain, but likely minor, fiscal impact on the DHHS and no fiscal impact on local units of government. To the extent that current DHHS resources would be sufficient to cover the modification of administrative policy required for the determination of the amendment or expunction of inaccurate reports or records or certain violations that did not result in an individual's being placed on the Michigan Child Abuse and Neglect Central Registry, there would be no fiscal impact on the DHHS.

House Bill 5275 (S-1) would have an estimated fiscal impact of \$700,000 on the DHHS and no fiscal impact on local units of government. The fiscal impact on the DHHS would be the result of changes to child welfare information systems, either the Michigan Automated Child Welfare System (i.e., MiSACWIS) or the Comprehensive Child Welfare System (i.e., CCWIS). The DHHS estimates that 50,000 to 60,000 records in the Michigan Child Abuse and Neglect Central Registry may be expunged through work done by the University of Michigan. The DHHS operates under an existing budgeted contract with the University of Michigan, so it is expected that no additional resources would be needed to complete the expunction process.

House Bills 5276 (S-1), 5278, 5279 (H-1), and 5280 (H-1) would have no fiscal impact on State or local government.

House Bill 5277 (S-1) would have no direct fiscal impact on State or local government. As the bill would amend and add definitions for changes made in bills tie-barred to House Bill 5277, the direct costs for the changes would be observed in House Bills 5274 (H-1) and 5275 (H-1), which would have a minor fiscal impact and a \$700,000 fiscal impact, respectively.

House Bill 5534 (H-1) would have an indeterminate fiscal impact on State government and no fiscal impact on local units of government. The bill would not have a fiscal impact on the DHHS. It is possible that LARA could incur costs if it were required to undertake a significant number of administrative reviews. However, it is unlikely that the number of reviews undertaken would create a need for additional appropriations. The Department of Licensing and Regulatory Affairs also could receive additional revenue if a licensee were permitted to apply for a license as a result of an administrative review decision.

House Bill 5594 (S-1) would have an uncertain, but likely minor, cost for the DHHS and no fiscal impact on local units of government. To the extent that current DHHS resources would be sufficient to cover the modification of administrative policy required for the expunction of individuals listed on the statewide electronic case management system who were listed on

the Central Registry before the bill's effective date, there would be no fiscal impact on the DHHS.

Date Completed: 3-14-22

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[floor/hb5274](#)

Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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