

# SENATE BILL NO. 53

February 07, 2023, Introduced by Senators RUNESTAD, BELLINO, JOHNSON, DALEY, LAUWERS and MCBROOM and referred to the Committee on Oversight.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 7 (MCL 722.627), as amended by 2022 PA 68.

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

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

5           (a) A legally mandated public or private child protective  
6 agency investigating a report of known or suspected child abuse or  
7 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 agency or other law enforcement agency  
5 investigating a report of known or suspected child abuse or child  
6 neglect.

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

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

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

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

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

29 (h) A grand jury that determines the information is necessary

1 to conduct the grand jury's official business.

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

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

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

28 (l) Family division of circuit court staff authorized by the  
29 court to investigate foster care applicants and licensees,

1 employees of foster care applicants and licensees, adult members of  
2 the applicant's or licensee's household, and any other person in  
3 the home who is directly responsible for the care and welfare of  
4 children, for the purpose of determining the suitability of the  
5 home for foster care. The court must disclose this information to  
6 the applicant or licensee.

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

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

12 (o) A child fatality review team established under section 7b  
13 and authorized under that section to investigate and review a child  
14 death.

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

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

22 (r) A child care regulatory agency.

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

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

26 (u) A department employee actively representing himself or  
27 herself in a disciplinary action, a labor union representative who  
28 is actively representing a department employee in a disciplinary  
29 action, or an arbitrator or administrative law judge conducting a

1 hearing involving a department employee's dereliction, malfeasance,  
2 or misfeasance of duty, for use solely in connection with that  
3 action or hearing. Information disclosed under this subdivision  
4 must be returned not later than 10 days after the conclusion of the  
5 action or hearing. A recipient must not receive further disclosures  
6 under this subdivision while he or she retains disclosed  
7 information beyond the deadline specified for return.

8 (v) A federal or state governmental agency that may, by law,  
9 conduct an audit or similar review of the department's activities  
10 under this act.

11 (w) A children's advocacy center in the course of providing  
12 services to a child alleged to have been the victim of child abuse  
13 or child neglect or to that child's family.

14 (x) A tribal representative, agency, or organization,  
15 including a multidisciplinary team, authorized by the Indian  
16 child's tribe, to care for, diagnose, treat, review, evaluate, or  
17 monitor active efforts regarding an Indian child, parent, or Indian  
18 custodian. As used in this subdivision, "active efforts", "Indian  
19 child", "Indian child's tribe", "Indian custodian", and "parent"  
20 mean those terms as defined in section 3 of chapter XIIB of the  
21 probate code of 1939, 1939 PA 288, MCL 712B.3.

22 (y) A child caring institution licensed under 1973 PA 116, MCL  
23 722.111 to 722.128, for the purpose of investigating an applicant  
24 for employment or an employee of a child caring institution to  
25 determine suitability of the applicant or employee for initial or  
26 continued employment. The child caring institution must disclose  
27 the information to the applicant or employee.

28 (z) **An individual who is a state legislator at the time of the**  
29 **request.**

1           **(aa) A member of the media. As used in this subdivision,**  
2 **"member of the media" means a news reporter or a press photographer**  
3 **who holds valid press identification credentials.**

4           (2) Subject to subsection (4), a person or entity to whom  
5 information described in subsection (1) is disclosed shall make the  
6 information available only to a person or entity described in  
7 subsection (1). This subsection does not require a court proceeding  
8 to be closed that otherwise would be open to the public.

9           (3) 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           (4) 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           (5) 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 (1) unless required by other state  
28 or federal law, in response to an order issued by a judge,  
29 magistrate, or other authorized judicial officer, or unless the

1 documents, reports, or records are requested for a child abuse or  
2 child neglect case or for a criminal investigation of a child abuse  
3 or child neglect case conducted by law enforcement.

4 (6) Notwithstanding subsection (1), information or records in  
5 the possession of the department or the department of licensing and  
6 regulatory affairs may be shared to the extent necessary for the  
7 proper functioning of the department or the department of licensing  
8 and regulatory affairs in administering child welfare or child care  
9 organization licensing under 1973 PA 116, MCL 722.111 to 722.128,  
10 or in an investigation conducted under section 43b of the social  
11 welfare act, 1939 PA 280, MCL 400.43b. Information or records  
12 shared under this subsection shall not be released by either the  
13 department or the department of licensing and regulatory affairs  
14 unless otherwise permitted under this act or other state or federal  
15 law. Neither the department nor the department of licensing and  
16 regulatory affairs shall release or open for inspection any  
17 document, report, or record authored by or obtained from another  
18 agency or organization unless 1 of the conditions of subsection (5)  
19 applies.