

SENATE BILL NO. 999

September 17, 2024, Introduced by Senator IRWIN and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7 (MCL 722.627), as amended by 2023 PA 305.

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

1 agency investigating a report of known or suspected child abuse or
2 child neglect or a legally mandated public or private child
3 protective agency or foster care agency prosecuting a disciplinary
4 action against its own employee involving child protective services
5 or foster care records.

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

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

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

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

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

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

1 code of 1939, 1939 PA 288, MCL 712A.2.

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

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

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

20 (k) A child placing agency licensed under 1973 PA 116, MCL
21 722.111 to 722.128, for the purpose of investigating an applicant
22 for adoption, a foster care applicant or licensee or an employee of
23 a foster care applicant or licensee, an adult member of an
24 applicant's or licensee's household, or other person in a foster
25 care or adoptive home who is directly responsible for the care and
26 welfare of children, to determine suitability of a home for
27 adoption or foster care. The child placing agency must disclose the
28 information to a foster care applicant or licensee under 1973 PA
29 116, MCL 722.111 to 722.128, or to an applicant for adoption.

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

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

12 (n) The child advocate appointed under the office of the child
13 advocate act, 1994 PA 204, MCL 722.921 to 722.932.

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

17 (p) A county medical examiner or deputy county medical
18 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the
19 purpose of carrying out ~~his or her~~ **the county medical examiner's or**
20 **deputy county medical examiner's** 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 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.

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

29 (u) A department employee actively representing ~~himself or~~

1 ~~herself~~**themselves** in a disciplinary action, a labor union
2 representative who is actively representing a department employee
3 in a disciplinary action, or an arbitrator or administrative law
4 judge conducting a hearing involving a department employee's
5 dereliction, malfeasance, or misfeasance of duty, for use solely in
6 connection with that action or hearing. Information disclosed under
7 this subdivision must be returned not later than 10 days after the
8 conclusion of the action or hearing. A recipient must not receive
9 further disclosures under this subdivision while ~~he or she~~**the**
10 **recipient** retains disclosed information beyond the deadline
11 specified for return.

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

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

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

26 (y) A child caring institution licensed under 1973 PA 116, MCL
27 722.111 to 722.128, for the purpose of investigating an applicant
28 for employment or an employee of a child caring institution to
29 determine suitability of the applicant or employee for initial or

1 continued employment. The child caring institution must disclose
2 the information to the applicant or employee.

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

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

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

24 (5) Documents, reports, or records authored by or obtained
25 from another agency or organization ~~shall~~ **must** not be released or
26 open for inspection under subsection (1) unless required by other
27 state or federal law, in response to an order issued by a judge,
28 magistrate, or other authorized judicial officer, or unless the
29 documents, reports, or records are requested for a child abuse or

1 child neglect case or for a criminal investigation of a child abuse
2 or child neglect case conducted by law enforcement.

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

19 (7) **Notwithstanding subsection (1) and beginning on the**
20 **effective date of the amendatory act that added this subsection,**
21 **the department may, on request of the media regarding a specific**
22 **child abuse or child neglect case, confirm or deny the existence or**
23 **filing of a written report regarding that child abuse or child**
24 **neglect case to the media. The department director may authorize**
25 **release of information to the media under sections 7c to 7h if the**
26 **release contributes to the purposes of this act and the media has**
27 **appropriate controls to maintain the confidentiality of personally**
28 **identifying information for an individual named in a report or**
29 **record made under this act. As used in this subsection, "media"**

1 means a newspaper, magazine or other periodical, news agency, wire
2 service, radio or television station or network, cable or satellite
3 station or network, or any entity, other than an individual blogger
4 or social media influencer, that is in the regular business of news
5 gathering and disseminating news or information to the public.