

HOUSE BILL NO. 4664

May 25, 2023, Introduced by Reps. Johnsen, Rigas, Outman and Kunse and referred to the Committee on Families, Children and Seniors.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 7b (MCL 722.627b), as amended by 2011 PA 89.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7b. (1) Each county may have in place a standing child
2 fatality review team. Two or more counties may appoint a single
3 child fatality review team for those counties. The membership of a
4 child fatality review team ~~shall~~**must** consist of at least all of
5 the following:

1 (a) A county medical examiner or deputy county medical
2 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.

3 (b) A representative of a local law enforcement agency.

4 (c) A representative of the department.

5 (d) The county prosecuting attorney or a designated assistant
6 county prosecutor.

7 (e) A representative of ~~the department of community health or~~
8 a local health department.

9 (f) A representative of the local court.

10 (2) A child fatality review team established under subsection
11 (1) ~~shall~~**must** review each child fatality occurring in the county
12 or counties that established the child fatality review team.

13 (3) The department ~~shall~~**must** make available to each child
14 fatality review team established under subsection (1) professional,
15 interagency training and orientation on the review of child
16 fatalities. The department ~~shall~~**must** make available, as necessary,
17 training on specific types of child fatalities, investigation
18 techniques, and prevention initiatives.

19 (4) The department shall establish a multiagency,
20 multidisciplinary advisory committee to identify and make
21 recommendations on policy and statutory changes pertaining to child
22 fatalities and to guide statewide prevention, education, and
23 training efforts.

24 (5) The advisory committee created under subsection (4)
25 consists of the following:

26 (a) ~~Two~~**Four** representatives of the department.

27 ~~(b) Two representatives of the department of community health.~~

28 ~~(b)~~ ~~(e)~~ One county medical examiner.

29 ~~(c)~~ ~~(d)~~ One representative of law enforcement.

1 (d) ~~(e)~~—One county prosecuting attorney.

2 (e) ~~(f)~~—The children's ombudsman or his or her designee.

3 (f) ~~(g)~~—A representative of a state or local court.

4 (6) The citizen review panel ~~shall~~**must** review each child
5 fatality that involves allegations of child abuse or **child** neglect
6 for each child who, at the time of death or within the 12 months
7 preceding the death, was under the court's jurisdiction under
8 section 2(b) of chapter XIIIA of the probate code of 1939, 1939 PA
9 288, MCL 712A.2.

10 (7) Beginning December 31, 2012, and using the annual
11 compilation of child fatalities reported by the state registrar
12 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
13 to 333.2899, and data received from the child fatality review teams
14 established under subsection (1) and the citizen review panel
15 established under subsection (6), the advisory committee
16 established under subsection (4) ~~shall~~**must** author an annual report
17 on child fatalities reviewed during the previous calendar year. The
18 advisory committee ~~shall~~**must** include in the report, at a minimum,
19 all of the following:

20 (a) The total number of child fatalities and the type or cause
21 of each child fatality.

22 (b) The number of child fatalities that occurred while the
23 child was in foster care.

24 (c) The number of cases where the child's death occurred
25 within 5 years after family preservation or family reunification.

26 (d) Trends in child fatalities.

27 (8) The advisory committee established under subsection (4)
28 ~~shall~~**must** break down the information required under subsection (7)
29 by county or by groups of counties as described in subsection (1).

1 The information contained in the report is public information. The
2 advisory committee shall not include identifying information of
3 ~~persons~~**individuals** named in the report. The advisory committee
4 shall ~~shall~~**must** transmit the final report under subsection (7) to the
5 department by December 31 of each year. Not less than 30 days and
6 not more than 60 days after transmitting the report to the
7 department, the department shall ~~shall~~**must** ensure publication of the
8 report and transmit a copy to the governor and to the standing
9 committees of the legislature with jurisdiction over matters
10 pertaining to child protection.

11 (9) Except as provided in subsection (11), information
12 obtained by a child fatality review team established under
13 subsection (1) is confidential, **is not subject to the freedom of**
14 **information act, 1976 PA 442, MCL 15.231 to 15.246,** and may be
15 disclosed by the child fatality review team only to the **following:**

16 (a) **The** department, the children's ombudsman, the county
17 prosecutor's office, local law enforcement, or another child
18 fatality review team. ~~The information is not subject to the freedom~~
19 ~~of information act, 1976 PA 442, MCL 15.231 to 15.246.~~

20 (b) **As to information concerning the cause of death of a**
21 **particular child, an individual who was the child's parent or legal**
22 **guardian. The child fatality review team may not release**
23 **information to a parent or legal guardian who is criminally**
24 **responsible for child abuse or child neglect that caused the death**
25 **of the child and who is serving a sentence of imprisonment in a**
26 **state or county correctional facility in this state or any other**
27 **state, or in a federal correctional facility. Upon the individual's**
28 **request, the child fatality review team must disclose the**
29 **information described in this subdivision.**

1 (10) An individual who is a member of a child fatality review
2 team established under subsection (1) or of the advisory committee
3 established under subsection (4) is a member of a board, council,
4 commission, or statutorily created task force of a governmental
5 agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407.

6 (11) The department ~~shall~~**must** establish and maintain a
7 registry of statistical information regarding children's deaths
8 that ~~shall be~~**is** accessible to the public. The registry created in
9 this section ~~shall~~**must** not disclose any identifying information
10 and ~~shall~~**must** only include statistical information covering all of
11 the following:

12 (a) The number of children who died while under court
13 jurisdiction for child abuse or **child** neglect regardless of
14 placement setting.

15 (b) The number of children who died as a result of child abuse
16 or **child** neglect after a parent had 1 or more child protective
17 services complaints within the 2 years preceding the child's death
18 and the category dispositions of those complaints.

19 (c) The total number of children as identified in subdivisions
20 (a) and (b) who died in the preceding year.

21 (d) The child protective services disposition of the child
22 fatality.