



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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House Bill 4731 (Substitute H-1 as reported without amendment)  
 House Bill 4782 (Substitute H-4 as reported without amendment)  
 Sponsor: Representative James Ryan (House Bill 4731)  
 Representative Michelle McManus (House Bill 4832)  
 House Committee: Human Services  
 Senate Committee: Families, Mental Health and Human Services

Date Completed: 10-13-95

**RATIONALE**

In early 1992, Governor Engler appointed the Governor's Task force on Children's Justice with the express purpose of meeting the requirements of a state multidisciplinary task force under the Federal Children's Justice Act. The Task Force was charged with reviewing and evaluating Michigan's investigative, administrative, and judicial handling of child abuse, and making recommendations in certain areas, including reform of the State's laws and procedures to provide comprehensive protection for children from abuse. In its June 1992 report, the Task Force included among its policy recommendations the formation of coordinated teams to investigate child abuse/neglect and child sexual abuse cases. The teams typically would include police, protective services, prosecutors, and medical personnel.

The Department of Social Services (DSS) reportedly has begun to implement many of the task force's suggestions. For instance, it has sent out, and received from a number of counties already, applications to form child fatality review teams which will be charged with reviewing the deaths of children in the community, with the aim of protecting children and eliminating preventable fatalities. The program will be implemented, first, in pilot counties, and eventually in all counties. Each pilot team will consist of a medical examiner, a local law enforcement agency representative, a DSS representative, the county prosecutor, and the Department of Public Health (DPH) or a local public health representative. In addition, the local community may choose to include an emergency medical services technician, a physician, a mental health professional, a school representative, a representative of the juvenile division of the probate court, a member of the clergy, a funeral

home representative, and other members who may be brought in on a case-by-case basis because of their knowledge of a child's death.

According to the DSS, it is important that all members of child fatality review teams have access to its confidential central registry, which contains information on reports relating to child abuse and neglect, in order to implement the recommendations of the Governor's Task Force. (See BACKGROUND for a description of the central registry.) In fact, some feel that it is especially important that access be granted to medical examiners, not only in their capacity as members of child fatality review teams, but also in their daily practice, since, in determining the cause of deaths, they are among the ones most likely to discover patterns of abuse or neglect. Although some members of child fatality review teams--members of law enforcement agencies, for example--currently have access to the information contained in the central registry under the Child Protection Law, others do not.

**CONTENT**

**The bills would amend the Child Protection Law to allow county medical examiners and child fatality review teams to receive records from the central registry of child abuse and neglect reports maintained by the Department of Social Services.**

House Bill 4731 (H-1) would allow access to the central registry by a county medical examiner or deputy county medical examiner appointed under Public Act 181 of 1953, for the purpose of carrying out his or her duties under that Act.

House Bill 4782 (H-4) would extend access to child fatality review teams authorized by the DSS to investigate and review child deaths. The Department could not authorize a child fatality review team to investigate and review a child death unless the team's membership comprised at least all of the following:

- A county medical examiner or deputy county medical examiner.
- A representative of a local law enforcement agency.
- A representative of the DSS.
- The county prosecuting attorney or his or her designee.
- A representative of the Department of Public Health or a local health department.

MCL 722.627

### **BACKGROUND**

The Child Protection Law requires health professionals, teachers, and various other people to report known or suspected child abuse or neglect to the DSS. The DSS investigates these reports and maintains substantiated reports of abuse or neglect in a central registry. Documents filed with the Department under the Law are confidential records available only to specified persons, including law enforcement agencies, the Children's Ombudsman, child placing agencies investigating prospective foster homes or adoptive parents, and legal counsel appointed for a child. Someone who is the subject of a report or record made under the Law may request the DSS to amend the report or record if it is inaccurate, or expunge it from the central registry if no relevant and accurate evidence is found to exist in the report or record. If the DSS refuses a request for amendment or expunction, or fails to act on a request, the person must be granted an administrative hearing.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

It is vitally important that the Department of Social Services intervene as early as possible with dysfunctional families to avert the tragedy of child fatalities so often associated with these families. To do this, the Department and those responsible for reporting suspected cases of child abuse and

neglect to the DSS, must have the tools to determine the causes of the deaths of children. By granting medical examiners and members of child fatality review teams access to the Department's confidential registry, the bills would provide the tools necessary to detect and investigate this abuse.

**Response:** Access to the registry also should be granted to the more than 60 nonprofit child care organizations in Michigan that supervise nearly 10,000 children in foster and group homes in order to ensure that there are no allegations of child abuse by potential employees.

#### **Supporting Argument**

Public Act 181 of 1953 requires medical examiners to investigate all cases in which a death was by violence, unexpected, without medical attendance during the 48 hours prior to the death, or the result of an abortion. Further, if a child two years old or younger dies suddenly and the cause is unknown, or is found dead from unknown causes, the medical examiner must notify the child's parents or legal guardians that they have the right to request an autopsy. Allowing medical examiners access to the central registry records would enhance their ability to fulfill these duties by providing them with information that would help them find and notify parents and determine whether an autopsy was warranted.

Legislative Analyst: L. Burghardt

#### **FISCAL IMPACT**

The bills would have no impact on State or local government.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.