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SFA

BILL ANALYSIS

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Senate Bills 1213 and 1214 (as passed by the Senate)
Sponsor: Senator Dianne Byrum (Senate Bill 1213)
Senator Michael J. Bouchard (Senate Bill 1214)
Committee: Families, Mental Health and Human Services

Date Completed: 8-14-98

CONTENT

Senate Bill 1213 would amend the Friend of the Court Act, and **Senate Bill 1214** would amend the Child Protection Law, to require the Office of the Friend of the Court and the Law Enforcement Information Network to give a child protective services caseworker access to records and information pertaining to a child who was the subject of a child abuse or neglect investigation, or pertaining to an individual suspected as a perpetrator in the investigation. This requirement would apply if there were a compelling need for records or information to determine whether child abuse or neglect had occurred or to take action to protect a child where there could be a substantial risk of harm. Access to the records or information would have to be given to a child protective services caseworker directly involved in the investigation, or to the caseworker's administrator. A record or information disclosed under these provisions would have to include the identity of the individual to whom it pertained.

A caseworker or administrator could not be given access unless he or she requested the records and information in writing. Within 14 calendar days after the record holder received the request, the Office of the Friend of the Court or the Law Enforcement Information Network would have to give that access regardless of the consent of the person from whom consent otherwise would be required.

To the extent not protected by the immunity conferred by the governmental immunity law, an individual who in good faith gave access to a record or information as required by the bills would be immune from civil or administrative liability arising from that conduct, unless the conduct were gross negligence or willful and wanton misconduct.

The bills are tie-barred to each other.

Proposed MCL 552.520a (S.B. 1213)
Proposed MCL 722.626a (S.B. 1214)

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bills would have no fiscal 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.