

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1042

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 11c (MCL 400.11c), as added by 1982 PA 519.

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

1           Sec. 11c. (1) The identity of a person making a report under  
2 section 11a or 11b shall be confidential, subject only to  
3 disclosure with the consent of that person or by judicial process.  
4 A person acting in good faith who makes a report or who assists in  
5 the implementation of sections 11 to ~~11b, 11d to 11f~~ , ~~and this~~  
6 ~~section shall be~~ **IS** immune from civil liability ~~which~~ **THAT** might  
7 otherwise be incurred by making the report or by assisting in the  
8 making of the report. A person making a report or assisting in the  
9 implementation of sections 11 to ~~11b, 11d to 11f~~ , ~~and this section~~  
10 ~~shall be~~ **IS** presumed to have acted in good faith. The immunity from

1 civil liability extends only to an act performed under sections 11  
2 to ~~11b, 11d to 11f~~ , ~~and this section~~ , and shall ~~shall~~ **DOES** not extend to  
3 a negligent act ~~which~~ **THAT** causes personal injury or death.

4 (2) Any legally recognized privileged communication, except  
5 that between attorney and client and except as specified in section  
6 11a(2), is abrogated and ~~shall~~ **DOES** not constitute grounds for  
7 excusing a report otherwise required to be made ~~pursuant to~~ **UNDER**  
8 this act.

9 (3) **NOTWITHSTANDING ANY OTHER CONFIDENTIALITY PROVISION IN**  
10 **THIS ACT AND SECTIONS 5 AND 7(2) OF THE CHILD PROTECTION LAW, 1975**  
11 **PA 238, MCL 722.625 AND 722.627, INFORMATION OR RECORDS IN THE**  
12 **POSSESSION OF THE DEPARTMENT OR THE DEPARTMENT OF LICENSING AND**  
13 **REGULATORY AFFAIRS MAY BE SHARED TO THE EXTENT NECESSARY FOR THE**  
14 **PROPER FUNCTIONING OF THE DEPARTMENT OR THE DEPARTMENT OF LICENSING**  
15 **AND REGULATORY AFFAIRS IN ADMINISTERING CHILD OR ADULT WELFARE OR**  
16 **CHILD OR ADULT FOSTER CARE FACILITY LICENSING UNDER THIS ACT OR IN**  
17 **AN INVESTIGATION CONDUCTED UNDER SECTION 43B. INFORMATION OR**  
18 **RECORDS SHARED UNDER THIS SUBSECTION SHALL NOT BE RELEASED BY THE**  
19 **DEPARTMENT OR THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**  
20 **UNLESS OTHERWISE PERMITTED UNDER THIS ACT OR OTHER STATE OR FEDERAL**  
21 **LAW.**

22 Enacting section 1. This amendatory act takes effect 90 days  
23 after the date it is enacted into law.