



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

DISCLOSURE OF VITAL RECORDS REGARDING TERMINATED PARENTAL RIGHTS

House Bill 6080
Sponsor: Rep. Lauren Hager

House Bill 6081
Sponsor: Rep. Gene DeRossett

Committee: Family and Children Services
Complete to 10-17-00

A SUMMARY OF HOUSE BILLS 6080 AND 6081 AS INTRODUCED 10-4-00

House Bills 6080 and 6081 would amend the Public Health Code (MCL 333.2888) and the Child Protection Law (MCL 722. 622 et al.), respectively, to allow the Department of Community Health (DCH) to release some information in vital records to the Family Independence Agency (FIA) under certain circumstances; specify that the birth of a child to a parent whose parental rights to another child had been terminated would be considered to be reasonable cause to suspect child abuse or neglect; and to require that the FIA implement an automated system designed to identify the children of parents who had lost their parental rights to another child. House Bill 6080 is tie-barred to House Bill 6081. (Note. Under the bills, “terminated in proceedings under Chapter XIA of the Probate Code” would mean termination of parental rights as a result of proceedings under, or termination of parental rights voluntarily following the initiation of proceedings under, Chapter XIA of the Probate Code [MCL. 712A.2]).

House Bill 6080. The Public Health Code specifies that the DCH may not disclose confidential vital records, except under circumstances where the department has established procedures for research purposes. House Bill 6080 would amend the act to require that the department also establish procedures to allow information in vital records to be disclosed to the FIA to assist that department in meet its responsibility under the Child Protection Law (MCL 722.623) in identifying suspected child abuse or neglect, and in identifying at birth children who have a parent whose parental rights to another child have been terminated. The procedures established under the bill could include participation in an automated system implemented by the FIA, as proposed under the provisions of House Bill 6081.

House Bill 6081. Currently, under the Child Protection Law, a number of professionals are required to report suspected child abuse or neglect to the FIA. House Bill 6081 would add that, for the purposes of the act, including, but not limited to, the requirement to report child abuse or neglect, the birth of a child to a parent whose parental rights to another child had been terminated in proceedings under the provisions of Chapter XIA of the Probate Code would be considered reasonable cause to suspect child abuse or neglect. In addition, the FIA would be required to implement an automated system, designed to identify at birth the children of such parents.

Currently, under the act, the department must petition the court to have a parent's rights to a child terminated if it determines, among other things, that there is a risk of harm to the child and the parent's rights to another child have been terminated, either under court order or voluntarily. Under the bill, if the FIA learned, either under the provisions of the act or otherwise, that a child had a parent whose parental rights to another child had been terminated, that information would be reasonable cause to suspect child abuse or neglect, and the FIA would be required to conduct an investigation.

The act also specifies, at present, that for the purposes of the act, the pregnancy of a child less than 12 years of age, or the presence of a venereal disease in a child who is between one month and 12 years of age, is reasonable cause to suspect child abuse and neglect have occurred. House Bill 6081 would rephrase this provision to specify that, for the purposes of the act, including, but not limited to, the requirement to report child abuse or neglect, the pregnancy of a child under 12 years of age or the presence of a venereal disease in a child who is between one month and 12 years of age is reasonable cause to suspect child abuse *or* neglect.

House Bill 6081 would also update references to the "Department of Social Services" and the "probate court" to specify, instead, the Family Independence Agency and the Family Division of Circuit Court, to reflect recent statutory changes.

Analyst: R. Young

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.