

THE CHILDREN'S OMBUDSMAN ACT (EXCERPT)
Act 204 of 1994

***** 722.929.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

722.929.amended Confidentiality of record of child advocate's office; disclosure; limitations; release of certain information.

Sec. 9. (1) Subject to subsections (2) through (7) and except as provided in subsection (8), a record of the child advocate's office is confidential, shall only be used for purposes set forth in this act, is not subject to court subpoena, and is not discoverable in a legal proceeding. A record of the child advocate's office is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. If the child advocate identifies action or inaction by the state, through its agencies or services, that failed to protect children, the child advocate must provide his or her findings and recommendations to the child placing agency affected by those findings, and make those findings and recommendations available to the complainant and the legislature upon request to the extent consistent with state or federal law. The child advocate must not disclose any information that impairs the rights of the child or the child's parents or guardians.

(2) The child advocate may release information to a complainant or to a closed session of a legislative committee that has jurisdiction over family and children's services issues or juvenile justice issues regarding the department's handling of a case under the child protection law that is obtained or generated during an investigation conducted by the office.

(3) Unless otherwise part of the public record, the office must not release any of the following confidential information to the general public:

(a) Records relating to mental health evaluation or treatment of a parent or child.

(b) Records relating to the evaluation or treatment of a substance use disorder of a parent or child.

(c) Records relating to medical diagnosis or treatment of a parent or child.

(d) Records relating to domestic violence-related services and sexual assault services provided to a parent or child.

(e) Records relating to educational services provided to a parent or child.

(4) Notwithstanding subsection (3), if the child advocate determines that disclosure of confidential information is necessary to identify, prevent, or respond to the child abuse or child neglect of a child, the child advocate may disclose information in his or her possession to the department, a court, a law enforcement agency, or a prosecuting attorney investigating a report of known or suspected child abuse or child neglect. The child advocate shall not release the address, telephone number, or other information regarding the whereabouts of a victim or suspected victim of domestic violence unless ordered to by a court.

(5) Except as provided in subsection (4), the child advocate must not disclose information relating to an ongoing law enforcement investigation or an ongoing children's protective services investigation. The child advocate may release the results of its investigation to a complainant, or an individual not meeting the definition of complainant, if the child advocate receives notification that releasing the results of its investigation is not related to and will not interfere with an ongoing law enforcement investigation or ongoing child protective services investigation.

(6) The child advocate must not disclose the identity of an individual making a child abuse or child neglect complaint under the child protection law unless that individual's written permission is obtained first or a court has ordered the child advocate to release that information.

(7) The child advocate may release an individual's identity who makes an intentionally false report of child abuse or child neglect under the child protection law.

(8) Not more than 30 days after the case closure date of a case investigated by the office under this act, the child advocate must release his or her findings, recommendations, and the child placing agency or residential facility responses, if any, to the public. The child advocate must redact confidential information consistent with state and federal law.

History: 1994, Act 204, Eff. Jan. 1, 1995;—Am. 2004, Act 560, Imd. Eff. Jan. 3, 2005;—Am. 2013, Act 38, Imd. Eff. June 4, 2013;—Am. 2020, Act 185, Imd. Eff. Oct. 8, 2020;—Am. 2023, Act 303, Eff. Feb. 13, 2024.