

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILDREN'S SERVICES AGENCY
PLACEMENT ON CENTRAL REGISTRY AFTER CRIMINAL CONVICTION

Filed with the secretary of state on November 4, 2022

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of health and human services by section 7j of the child protection law, 1975 PA 238, MCL 722.627j)

R 400.201, R 400.202, R 400.203, R 400.204, R 400.205, and R 400.206 are added to the Michigan Administrative Code, as follows:

R 400.201 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means the child protection law, 1978 PA 238. MCL 722.621 to 722.638.
 - (b) "Conviction" means a formal declaration that an individual is guilty of a criminal offense, by the verdict of a jury or the decision of a judge in a court of law.
 - (c) "Court" means any circuit court in this state.
 - (d) "Department" means the department of health and human services.
 - (e) "Expunction" means removal of a record or report.
 - (f) "Individual" means the person convicted of a specific crime and whose conviction warrants placement on the central registry.
 - (g) "SCAO" means the state court administrator's office, which is the office under this state's judicial branch that provides guidance and management to trial courts statewide.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 400.202 Department process after receipt of central registry placement from the court.

Rule 2. (1) The department shall create a central point of contact for the receipt of all requests from the courts for placement of an individual on the central registry.

(2) After receipt of the request and conviction order from the court, the department shall review the request for a determination of placement on the central registry.

(3) If the department's review results in placement, the placement must occur within 30 business days after receipt of the order.

(4) The central registry placement date must be the date of the conviction order.

(5) The department shall coordinate with SCAO in the creation of forms for an individual's placement on the central registry.

October 6, 2022

R 400.203 Multiple placements on the central registry.

Rule 3. If it is determined that an individual named in the criminal conviction order for placement is currently on the central registry for a confirmed central registry case for the same offense investigated by the department, both placements must remain on the central registry.

R 400.204 Department's notification to an individual of placement on the central registry.

Rule 4. Once an individual is placed on the central registry because of the individual's conviction, the department shall mail notification of the placement on the central registry to an individual by registered or certified mail, return receipt requested, and restricted delivery to the addressee. The department shall include language in the notification of an individual's right to a hearing before the convicting court and, if applicable, the department, for expunction of the placement.

R 400.205 Expunction request.

Rule 5. (1) An individual requesting an expunction from the central registry because of a criminal conviction shall file a motion in the court of conviction to request an expunction by that court. The court may deny the request or issue a request to the department for expungement. An individual may only request expunction based on either of the following:

(a) Demonstrating that the individual was not convicted of an offense listed under section 7j(3) of the act, MCL 722.627j.

(b) Demonstrating that the individual's conviction of the offense that caused the individual to be placed on the central registry has been expunged.

(2) If an individual is placed on the central registry by the department's substantiation for the same offense as placement for the criminal conviction, the individual requesting expunction must request expunction through both the department and the court of conviction.

R 400.206 Expunction finding by court.

Rule 6. (1) After receipt of a request from the court for an individual to be removed from the central registry, the department shall review the court's request for removal and determine whether removal is warranted.

(2) The court's request for removal from the central registry is based on the criminal conviction only. If an individual has a placement for the same offense because of the department's investigation and substantiation of a central registry placement, the individual must file an administrative request for review and hearing with the department for removal of the department's placement.

(3) After an individual is removed from the central registry, the court of conviction shall send notification of the removal to an individual by first class mail.

(4) The department shall coordinate with SCAO in the creation of forms for an individual's removal from the central registry.