



Michigan Supreme Court

State Court Administrative Office

Friend of the Court Bureau

Michigan Hall of Justice

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Steven D. Capps
Director

MEMORANDUM

DATE: November 16, 2022

TO: Friends of the Court

FROM: Steven Capps, FOCB Director

RE: Requests to Search Central Registry (Wyatt's Law)

This memo revises the FOCB October 31, 2022, memo to reflect updated MDHHS policies.

Public Act 64 of 2022 (Wyatt's Law) effective November 1, 2022 provides that the Michigan Department of Health and Human Services (MDHHS) will maintain a data base (central registry) of the individuals who are confirmed to have engaged in, or who are convicted of, offenses listed in Section 7j of the Child Protection Law, MCL 722.621 *et seq.* [MCL 722.627j](#) provides, in part:

(2) The department must classify a confirmed case of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation, as a central registry case.

(3) In addition to a case classified under subsection (2), a court in this state entering an order of conviction for a violation of [section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b [child abuse], a conviction for a violation of chapter LXXVI of the Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520o [criminal sexual conduct] involving a minor victim, a conviction for a violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c, [child pornography] and any conviction involving the death

of a child must request that the conviction be classified as a central registry case by the department. ...

A. Requests for FOCs to Process Confirmation of a Person's Placement on the Central Registry

[MCL 722.627j](#) also provides that requests for confirmation of a person's placement on the central registry are to be made through the FOC:

(15) A parent or other person responsible for a child, who has reason to believe another caregiver may place that child at risk, may, with appropriate authorization and identification, receive confirmation of central registry placement of that parent, person responsible, or caregiver. This request must be made through the office of the friend of the court created in section 3 of the friend of the court act, 1982 PA 294, MCL 552.503.

The FOC has neither access to the central registry nor statutory authority to take any action with respect to the request. The purpose of this memorandum is to provide a procedure to address the lack of access and authority.

B. FOC's Authority to Process Requests

Pursuant to [MCL 552.519](#) the Friend of the Court Bureau (FOCB) can issue policy for the conduct and operations of the FOC which then become mandatory FOC duties. The FOC office derives its authority with respect to individuals from its status as part of the circuit court. Therefore, the FOC's power is limited to those matters over which the court has jurisdiction and for which the FOC has opened an FOC case. For that reason, this policy applies only to those individuals who have an open FOC case in the jurisdiction in which the request is made.

Further, the FOC does not have the authority to determine whether the requesting party has appropriate authorization and identification. That authority is granted to the MDHHS by statute. The MDHHS has determined that it has authority to process a search of the central registry database under the following conditions:¹

- The requester must complete the [DHS-1929-W](#) or [DHS-1929-W SP](#) form, including the name of the individual being cleared², and that individual's date of birth, and social security number, if known.

¹ [Central Registry Clearance Requests \(michigan.gov\)](#)

² Wyatt's Law does not define who a "caregiver" is; however, the law was drafted and named for a child who was abused by his father's girlfriend. Therefore, it is reasonable to assume that a "caregiver" is a person who has a close relationship with one of the parents such that the person would be positioned to provide direct unsupervised care of the child. The DHS-1929-W has boxes for the requester to state that the individual being cleared is or is not a caregiver and will or will not provide unsupervised care for the child. Because Wyatt's law provides only that the application will be made at the FOC office and the MDHHS has the authority to process the application, it is

- The requester must submit the completed form to the local Friend of the Court office.
- Friend of the Court will submit the request to the Michigan Department of Health and Human Services (MDHHS) on the requester's behalf.
- The results will be issued to the requester.

C. Processing Requests for Central Registry Information

The FOC will utilize the following procedure *on friend of the court cases* to process requests for central registry information to the MDHHS.

Upon receiving a request from a party to an FOC case and the signed [DHS-1929-W](#) form, the FOC should obtain and copy a valid picture identification for the requester, the FOC should will forward the form and a copy³ of the identification to MDHHS at MDHHS-FOC-CentralRegistryClearanceRequests@michigan.gov. MDHHS plans to process the request within 30 business days and provide the results directly to the person identified as the "requester" under section 3 of the DHS-1929-W.

The FOC should not process requests for central registry information from a person who is not a party to an FOC case. A person who is not a party to an FOC case may make the request directly to the MDHHS using the same DHS-1929-W form and proof of identification. The MDHHS will process requests for individuals who are not a party to an FOC case. The MDHHS and the FOCB have each prepared brochures explaining the process for an individual to make a request directly to the MDHHS.⁴ The MDHHS brochure has a signature line for the FOC to indicate the requester does not have an FOC case. If a person without an FOC case requests the FOC to process a central registry search, the FOC should provide a copy of the DHS-1929-W form and sign the MDHHS brochure or otherwise indicate the requester does not have an FOC case to allow the requester to ask MDHHS to process the request.

FOC offices should contact the FOCB at 517-373-2219 with any questions concerning this memorandum.

unnecessary for the FOC to determine whether the person is a "caregiver" under the statute as a prerequisite to forwarding the request to MDHHS.

³ The MDHHS will also accept -instead of sending a copy of the identification – a statement in the transmittal to the MDHHS that the FOC has received proof of identification for the requester. If the FOC does not provide a copy of the identification to MDHHS, the FOC should maintain a copy of the identification in its records in the event a question should later arise concerning the identification.

⁴ The MDHHS brochure link is [here](#). The FOCB brochure link is [here](#).