

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1044

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 10 (MCL 722.120), as amended by 2006 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The department may investigate and examine
2 conditions of a child care organization in which a licensee
3 receives, maintains, or places out children, and may investigate
4 and examine the books and records of the licensee. The licensee
5 shall admit members of the department and furnish all reasonable
6 facilities for thorough examination of its books, records, and
7 reports. The department, ~~of community health,~~ the bureau of fire
8 services, or local authorities, in carrying out the provisions of

1 this act, may visit a child care organization to advise in matters
2 affecting the health or fire protection of children.

3 (2) A licensee shall keep the records the department
4 prescribes regarding each child in its control and care and shall
5 report to the department, when requested, the facts the department
6 requires with reference to the children upon forms furnished by the
7 department. Except as otherwise provided in this subsection **AND**
8 **SUBSECTION (3)**, records regarding children and facts compiled about
9 children and their parents and relatives are confidential and
10 disclosure of this information shall be properly safeguarded by the
11 child care organization, the department, and any other entity in
12 possession of the information. Records that are confidential under
13 this section are available to both of the following:

14 (a) A standing or select committee or appropriations
15 subcommittee of either house of the legislature having jurisdiction
16 over protective services matters for children, ~~pursuant~~ **ACCORDING**
17 to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

18 (b) The children's ombudsman established in section 3 of the
19 children's ombudsman act, 1994 PA 204, MCL 722.923.

20 **(3) NOTWITHSTANDING SUBSECTION (2) AND SECTIONS 5 AND 7(2) OF**
21 **THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.625 AND 722.627,**
22 **INFORMATION OR RECORDS IN THE POSSESSION OF THE DEPARTMENT OR THE**
23 **DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MAY BE SHARED TO THE**
24 **EXTENT NECESSARY FOR THE PROPER FUNCTIONING OF THE DEPARTMENT OR**
25 **THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS IN ADMINISTERING**
26 **CHILD WELFARE OR CHILD CARE LICENSING UNDER THIS ACT OR IN AN**
27 **INVESTIGATION CONDUCTED UNDER SECTION 43B OF THE SOCIAL WELFARE**

1 ACT, 1939 PA 280, MCL 400.43B. INFORMATION OR RECORDS SHARED UNDER
2 THIS SUBSECTION SHALL NOT BE RELEASED BY THE DEPARTMENT OR THE
3 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS UNLESS OTHERWISE
4 PERMITTED UNDER THIS ACT OR OTHER STATE OR FEDERAL LAW. NEITHER THE
5 DEPARTMENT NOR THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
6 SHALL RELEASE OR OPEN FOR INSPECTION ANY DOCUMENT, REPORT, OR
7 RECORD AUTHORED BY OR OBTAINED FROM ANOTHER AGENCY OR ORGANIZATION
8 UNLESS 1 OF THE CONDITIONS OF SECTION 7(10) OF THE CHILD PROTECTION
9 LAW, 1975 PA 238, MCL 722.627, APPLIES.

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