

HOUSE BILL NO. 4549

May 02, 2019, Introduced by Reps. Crawford and Brenda Carter and referred to the Committee on Families, Children, and Seniors.

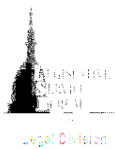
A bill to amend 1973 PA 116, entitled

"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 2017 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The department may investigate, inspect, and



1 examine conditions of a child care organization and may investigate
2 and examine the books and records of the licensee. The licensee
3 shall cooperate with the department's investigation, inspection,
4 and examination by doing all of the following:

5 (a) Admitting members of the department into the child care
6 organization and furnishing all reasonable facilities for thorough
7 examination of its books, records, and reports.

8 (b) Allowing the department to perform routine investigative
9 functions during the course of an investigation, inspection, or
10 examination. Routine investigative functions include, but are not
11 limited to, interviewing potential witnesses, such as staff and
12 household members, and taking photographs to assess and document
13 the conditions of the child care organization and its compliance
14 with this act and the rules promulgated under this act.

15 (c) Providing accurate and truthful information to the
16 department, and encouraging witnesses, such as staff and household
17 members, to provide accurate and truthful information to the
18 department.

19 (2) The licensee shall allow the department, the bureau of
20 fire services, or local authorities access to the child care
21 organization to carry out the provisions of this act and rules
22 promulgated under this act related to the health or fire protection
23 of children.

24 (3) A licensee shall keep the records the department
25 prescribes regarding each child in its control and care and shall
26 report to the department, ~~when~~**if** requested, the facts the
27 department requires with reference to the children upon forms
28 furnished by the department. Except as otherwise provided in this
29 subsection and subsection (4), records regarding children and facts



1 compiled about children and their parents and relatives are
2 confidential and disclosure of this information shall be properly
3 safeguarded by the child care organization, the department, and any
4 other entity in possession of the information. Records that are
5 confidential under this section are available to ~~both~~ **1 or more** of
6 the following:

7 (a) A standing or select committee or appropriations
8 subcommittee of either house of the legislature having jurisdiction
9 over protective services matters for children, according to section
10 7 of the child protection law, 1975 PA 238, MCL 722.627.

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

13 (c) **An agency, bureau, division, or other entity within the**
14 **department, or a child caring institution or child placing agency**
15 **contracted with the department. Access must be authorized by the**
16 **director of the department's agency responsible for child welfare**
17 **services or his or her designee to individuals whose purpose is**
18 **directly connected with the administration of child welfare**
19 **services.**

20 (d) **A national accreditation program, only while on-site, for**
21 **the purpose of review and accreditation of a child welfare program,**
22 **agency, or organization.**

23 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of
24 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,
25 information or records in the possession of the department or the
26 department of licensing and regulatory affairs may be shared to the
27 extent necessary for the proper functioning of the department or
28 the department of licensing and regulatory affairs in administering
29 child welfare or child care licensing under this act or in an



1 investigation conducted under section 43b of the social welfare
2 act, 1939 PA 280, MCL 400.43b. Information or records shared under
3 this subsection shall not be released by the department or the
4 department of licensing and regulatory affairs unless otherwise
5 permitted under this act or other state or federal law. Neither the
6 department nor the department of licensing and regulatory affairs
7 shall release or open for inspection any document, report, or
8 record authored by or obtained from another agency or organization
9 unless 1 of the conditions of section 7(10) of the child protection
10 law, 1975 PA 238, MCL 722.627, applies.

11 (5) A child care center, group child care home, or family
12 child care home licensee shall provide the department with child
13 information cards for all children presently enrolled for care, as
14 requested by the department, whenever the department initiates or
15 conducts an investigation, inspection, or assessment. If the
16 investigation, inspection, or assessment results in the department
17 pursuing disciplinary action as provided by section 11, the child
18 care center, group child care home, or family child care home
19 licensee must provide the department with child information cards
20 for newly enrolled children for the pendency of the proposed
21 disciplinary action.

22 (6) The department may suspend, deny, revoke, or refuse to
23 renew a license of the child care organization if the licensee does
24 not cooperate with an investigation, inspection, or examination
25 under this section.

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

