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BILL ANALYSIS

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Senate Bill 1253 (as introduced 5-4-06)
Sponsor: Senator Bill Hardiman
Committee: Families and Human Services

Date Completed: 5-9-06

CONTENT

The bill would amend the child care licensing Act to require a child care organization to notify the parents or guardians of all children in its care if it were the subject of a high-risk special investigation by the Department of Human Services (DHS). The bill also would establish a criminal penalty for making a false report that led to a special investigation requiring this notice.

Specifically, if a child care organization were notified by the DHS that a special investigation the DHS identified as high-risk was being conducted, the organization would have to notify each parent or guardian of a child under the organization's care within 24 hours of the notification. The organization would have to send written notification within one business day after the initial notification.

If the DHS determined that a child care organization was not complying with either notification requirement, the Department could suspend the organization's license, pending review.

If, upon completion of the special investigation, the DHS determined that there were no substantiated rule violations, it would have to provide the organization with written notice of that determination, which the organization could share with the parents or legal guardians of the children in its care who previously had received notice of the investigation. The DHS also would have to make the determination publicly available on its website.

The bill would prohibit a person from making a false report to the DHS regarding a child care organization that caused the DHS to initiate a special investigation for which a child care organization had to send notice, as described above. A violator would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a maximum fine of \$500, or both.

(The DHS Office of Children and Adult Licensing Policy Manual states that the following are considered to be in the high-risk category: death or serious injury; alleged physical, sexual, or emotional abuse, neglect, endangerment, or exploitation; or any situation that threatens the life of the child in care.)

Proposed MCL 722.113f & 722.115g

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. The Office of Children and Adult Licensing, Department of Human Services, could incur additional administrative costs to notify child care organizations of its determinations and engage in license suspensions. It is unknown how many organizations would be affected.

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Constance Cole
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.