

**SUBSTITUTE FOR
SENATE BILL NO. 1253**

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,"

(MCL 722.111 to 722.128) by adding sections 3f and 5h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 3F. (1) EXCEPT AS PROVIDED IN SUBSECTION (5), WITHIN 24**
2 **HOURS AFTER A CHILD CARE ORGANIZATION RECEIVES NOTICE THAT A**
3 **SPECIAL INVESTIGATION THAT THE DEPARTMENT CLASSIFIES AS HIGH RISK**
4 **IS BEING CONDUCTED, THE CHILD CARE ORGANIZATION SHALL MAKE A GOOD**
5 **FAITH EFFORT TO MAKE ORAL NOTIFICATION TO EACH PARENT OR LEGAL**
6 **GUARDIAN OF THE CHILDREN WHO WERE UNDER THE CHILD CARE**

1 ORGANIZATION'S CARE AT THE SITE AND THE TIME THE INCIDENT BEING
2 INVESTIGATED OCCURRED AND IF THE INDIVIDUAL BEING INVESTIGATED IS
3 STILL PRESENT AT THE CHILD CARE ORGANIZATION AT THE TIME OF THE
4 INVESTIGATION, EACH PARENT OR LEGAL GUARDIAN OF THE CHILDREN WHO
5 HAVE OR WILL COME INTO CONTACT WITH THE INDIVIDUAL BEING
6 INVESTIGATED AS LONG AS THAT INDIVIDUAL IS PRESENT AT THE CHILD
7 CARE ORGANIZATION. THE CHILD CARE ORGANIZATION SHALL SEND WRITTEN
8 NOTIFICATION WITHIN 1 BUSINESS DAY AFTER THE INITIAL GOOD FAITH
9 ATTEMPT AT ORAL NOTIFICATION. FOR THE PURPOSE OF THIS SUBSECTION,
10 WRITTEN NOTIFICATION SHALL BE GIVEN BY 1 OF THE FOLLOWING:

11 (A) MAIL SERVICE.

12 (B) FACSIMILE TRANSMISSION.

13 (C) ELECTRONIC MAIL.

14 (2) IF THE DEPARTMENT DETERMINES THAT A CHILD CARE
15 ORGANIZATION IS NOT COMPLYING WITH EITHER NOTIFICATION REQUIREMENT
16 IN SUBSECTION (1), THE DEPARTMENT MAY SUSPEND THE CHILD CARE
17 ORGANIZATION'S LICENSE ISSUED UNDER THIS ACT PENDING REVIEW.

18 (3) IF, UPON COMPLETION OF THE SPECIAL INVESTIGATION DESCRIBED
19 IN SUBSECTION (1), THE DEPARTMENT MAKES A DETERMINATION THAT THERE
20 ARE NO SUBSTANTIATED RULE VIOLATIONS, THE DEPARTMENT SHALL PROVIDE
21 THE CHILD CARE ORGANIZATION WITH WRITTEN NOTIFICATION OF THAT
22 DETERMINATION THAT THE CHILD CARE ORGANIZATION MAY SHARE WITH THE
23 PARENTS OR LEGAL GUARDIANS OF THE CHILDREN IN THE CHILD CARE
24 ORGANIZATION'S CARE WHO RECEIVED THE NOTIFICATION REQUIRED UNDER
25 SUBSECTION (1).

26 (4) THE DEPARTMENT SHALL MAKE THE INFORMATION PROVIDED IN
27 SUBSECTION (3) AVAILABLE TO THE PUBLIC ON THE DEPARTMENT WEBSITE.

1 (5) THIS SECTION DOES NOT APPLY TO A CHILD CARE ORGANIZATION
2 THAT IS A CHILD CARING INSTITUTION, CHILD PLACING AGENCY, FOSTER
3 FAMILY HOME, OR FOSTER FAMILY GROUP HOME.

4 SEC. 5H. A PERSON WHO INTENTIONALLY MAKES A FALSE REPORT TO
5 THE DEPARTMENT REGARDING A CHILD CARE ORGANIZATION THAT CAUSES THE
6 DEPARTMENT TO INITIATE A SPECIAL INVESTIGATION FOR WHICH THE CHILD
7 CARE ORGANIZATION IS REQUIRED TO SEND NOTICE UNDER SECTION 3F IS
8 GUILTY OF A CRIME AS FOLLOWS:

9 (A) IF THE INCIDENT REPORTED WOULD NOT CONSTITUTE A CRIME OR
10 WOULD CONSTITUTE A MISDEMEANOR IF THE REPORT WERE TRUE, THE PERSON
11 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
12 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

13 (B) IF THE INCIDENT REPORTED WOULD CONSTITUTE A FELONY IF THE
14 REPORT WERE TRUE, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
15 THE LESSER OF THE FOLLOWING:

16 (i) THE PENALTY FOR THE INCIDENT FALSELY REPORTED.

17 (ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT
18 MORE THAN \$2,000.00, OR BOTH.