

**SUBSTITUTE FOR
SENATE BILL NO. 1411**

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 sections 5 and 5e (MCL 722.115 and 722.115e), section 5 as amended by 2006 PA 51 and section 5e as added by 2005 PA 133, and by adding sections 5h and 5i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person, partnership, firm, corporation,
2 association, or nongovernmental organization shall not establish or
3 maintain a child care organization unless licensed or registered by
4 the department. Application for a license or certificate of
5 registration shall be made on forms provided, and in the manner

1 prescribed, by the department. Before issuing or renewing a
2 license, the department shall investigate the applicant's
3 activities and proposed standards of care and shall make an on-site
4 visit of the proposed or established organization. If the
5 department is satisfied as to the need for a child care
6 organization, its financial stability, the applicant's good moral
7 character, and that the services and facilities are conducive to
8 the welfare of the children, the department shall issue or renew
9 the license. If a county juvenile agency as defined in section 2 of
10 the county juvenile agency act, 1998 PA 518, MCL 45.622, certifies
11 to the department that it intends to contract with an applicant for
12 a new license, the department shall issue or deny the license
13 within 60 days after it receives a complete application as provided
14 in section 5b.

15 (2) The department shall issue a certificate of registration
16 to a person who has successfully completed an orientation session
17 offered by the department and who certifies to the department that
18 the family day care home has complied with and will continue to
19 comply with the rules promulgated under this act and will provide
20 services and facilities, as determined by the department, conducive
21 to the welfare of children. The department shall make available to
22 applicants for registration an orientation session to applicants
23 for registration regarding this act, the rules promulgated under
24 this act, and the needs of children in family day care before
25 issuing a certificate of registration. The department shall issue a
26 certificate of registration to a specific person at a specific
27 location. A certificate of registration is nontransferable and

1 remains the property of the department. Within 90 days after
2 initial registration, the department shall make an on-site visit of
3 the family day care home.

4 (3) The department may authorize a licensed child placing
5 agency or an approved governmental unit to investigate a foster
6 family home or a foster family group home according to subsection
7 (1) and to certify that the foster family home or foster family
8 group home meets the licensing requirements prescribed by this act.
9 Before certifying to the department that a foster family home or
10 foster family group home meets the licensing requirements
11 prescribed by this act, the licensed child placing agency or
12 approved governmental unit shall receive and review a medical
13 statement for each member of the household indicating that he or
14 she does not have a known condition that would affect the care of a
15 foster child. The medical statement required under this section
16 shall be signed and dated by a physician licensed under article 15
17 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
18 a physician's assistant licensed under article 15 of the public
19 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a
20 certified nurse practitioner licensed as a registered professional
21 nurse under part 172 of the public health code, 1978 PA 368, MCL
22 333.17201 to 333.17242, who has been issued a specialty
23 certification as a nurse practitioner by the board of nursing under
24 section 17210 of the public health code, 1978 PA 368, MCL
25 333.17210, within the 12 months immediately preceding the date of
26 the initial evaluation. This subsection does not require new or
27 additional third party reimbursement or worker's compensation

1 benefits for services rendered. A foster family home or a foster
2 family group home shall be certified for licensing by the
3 department by only 1 child placing agency or approved governmental
4 unit. Other child placing agencies may place children in a foster
5 family home or foster family group home only upon the approval of
6 the certifying agency or governmental unit.

7 (4) The department may authorize a licensed child placing
8 agency or an approved governmental unit to place a child who is 16
9 or 17 years of age in his or her own unlicensed residence, or in
10 the unlicensed residence of an adult who has no supervisory
11 responsibility for the child, if a child placing agency or
12 governmental unit retains supervisory responsibility for the child.

13 (5) A licensed child placing agency, child caring institution,
14 and an approved governmental unit shall provide the state court
15 administrative office and a local foster care review board
16 established under 1984 PA 422, MCL 722.131 to 722.139a, those
17 records requested pertaining to children in foster care placement
18 for more than 6 months.

19 (6) The department may authorize a licensed child placing
20 agency or an approved governmental unit to place a child who is 16
21 or 17 years old in an adult foster care family home or an adult
22 foster care small group home licensed under the adult foster care
23 facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, if a
24 licensed child placing agency or approved governmental unit retains
25 supervisory responsibility for the child and certifies to the
26 department all of the following:

27 (a) The placement is in the best interests of the child.

1 (b) The child's needs can be adequately met by the adult
2 foster care family home or small group home.

3 (c) The child will be compatible with other residents of the
4 adult foster care family home or small group home.

5 (d) The child placing agency or approved governmental unit
6 will periodically reevaluate the placement of a child under this
7 subsection to determine that the criteria for placement in
8 subdivisions (a) through (c) continue to be met.

9 (7) On an exception basis, the director of the department, or
10 his or her designee, may authorize a licensed child placing agency
11 or an approved governmental unit to place an adult in a foster
12 family home if a licensed child placing agency or approved
13 governmental unit certifies to the department all of the following:

14 (a) The adult is a person with a developmental disability as
15 defined by section 100a of the mental health code, 1974 PA 258, MCL
16 330.1100a, or a person who is otherwise neurologically disabled and
17 is also physically limited to a degree that requires complete
18 physical assistance with mobility and activities of daily living.

19 (b) The placement is in the best interests of the adult and
20 will not adversely affect the interests of the foster child or
21 children residing in the foster family home.

22 (c) The identified needs of the adult can be met by the foster
23 family home.

24 (d) The adult will be compatible with other residents of the
25 foster family home.

26 (e) The child placing agency or approved governmental unit
27 will periodically reevaluate the placement of an adult under this

1 subsection to determine that the criteria for placement in
2 subdivisions (a) through (d) continue to be met and document that
3 the adult is receiving care consistent with the administrative
4 rules for a child placing agency.

5 (8) On an exception basis, the director of the department, or
6 his or her designee, may authorize a licensed child placing agency
7 or an approved governmental unit to place a child in an adult
8 foster care family home or an adult foster care small group home
9 licensed under the adult foster care licensing act, 1979 PA 218,
10 MCL 400.701 to 400.737, if the licensed child placing agency or
11 approved governmental unit certifies to the department all of the
12 following:

13 (a) The placement is in the best interests of the child.

14 (b) The placement has the concurrence of the parent or
15 guardian of the child.

16 (c) The identified needs of the child can be met adequately by
17 the adult foster care family home or small group home.

18 (d) The child's psychosocial and clinical needs are compatible
19 with those of other residents of the adult foster care family home
20 or small group home.

21 (e) The clinical treatment of the child's condition is similar
22 to that of the other residents of the adult foster care family home
23 or small group home.

24 (f) The child's cognitive level is consistent with the
25 cognitive level of the other residents of the adult foster care
26 family home or small group home.

27 (g) The child is neurologically disabled and is also

1 physically limited to such a degree as to require complete physical
2 assistance with mobility and activities of daily living.

3 (h) The child placing agency or approved governmental unit
4 will periodically reevaluate the placement of a child under this
5 subsection to determine that the criteria for placement in
6 subdivisions (a) to (g) continue to be met.

7 (9) Beginning October 1, 2007, except as provided in
8 subsection (1) and section 5b, the department shall issue an
9 initial or renewal license or registration under this act for child
10 care centers, group day care homes, and family day care homes not
11 later than 6 months after the applicant files a completed
12 application. Receipt of the application is considered the date the
13 application is received by any agency or department of this state.
14 If the application is considered incomplete by the department, the
15 department shall notify the applicant in writing or make notice
16 electronically available within 30 days after receipt of the
17 incomplete application, describing the deficiency and requesting
18 additional information. This subsection does not affect the time
19 period within which an on-site visit to a family day care home
20 shall be made. If the department identifies a deficiency or
21 requires the fulfillment of a corrective action plan, the 6-month
22 period is tolled until either of the following occurs:

23 (a) Upon notification by the department of a deficiency, until
24 the date the requested information is received by the department.

25 (b) Upon notification by the department that a corrective
26 action plan is required, until the date the department determines
27 the requirements of the corrective action plan have been met.

1 (10) The determination of the completeness of an application
2 is not an approval of the application for the license and does not
3 confer eligibility on an applicant determined otherwise ineligible
4 for issuance of a license.

5 (11) Except as provided in subsection (1) and section 5b, if
6 the department fails to issue or deny a license or registration to
7 a child care center, group day care home, or family day care home
8 within the time required by this section, the department shall
9 return the license or registration fee and shall reduce the license
10 or registration fee for the applicant's next renewal application,
11 if any, by 15%. Failure to issue or deny a license to a child care
12 center, group day care home, or family day care home within the
13 time period required under this section does not allow the
14 department to otherwise delay the processing of the application. A
15 completed application shall be placed in sequence with other
16 completed applications received at that same time. The department
17 shall not discriminate against an applicant in the processing of an
18 application based on the fact that the application fee was refunded
19 or discounted under this subsection.

20 (12) If, on a continual basis, inspections performed by a
21 local health department delay the department in issuing or denying
22 licenses or registrations for child care centers, group day care
23 homes, and family day care homes under this act within the 6-month
24 period, the department may use department staff to complete the
25 inspections instead of the local health department causing the
26 delays.

27 (13) Beginning October 1, 2008, the director of the department

1 shall submit a report by December 1 of each year to the standing
2 committees and appropriations subcommittees of the senate and house
3 of representatives concerned with human services and children's
4 issues. The director shall include all of the following information
5 regarding applications for licenses and registrations only for
6 child care centers, group day care homes, and family day care homes
7 filed under this act in the report concerning the preceding fiscal
8 year:

9 (a) The number of initial and renewal applications the
10 department received and completed within the 6-month time period
11 described in subsection (9).

12 (b) The number of applications requiring a request for
13 additional information.

14 (c) The number of applications rejected.

15 (d) The number of licenses and registrations not issued within
16 the 6-month period.

17 (e) The average processing time for initial and renewal
18 licenses and registrations granted after the 6-month period.

19 (14) The department shall not issue to or renew the license of
20 a child care center or day care center under this act without
21 requesting a criminal history check and criminal records check as
22 required by section 5c. If a criminal history check or criminal
23 records check performed under section 5c reveals that an applicant
24 for a license under this act has been convicted of a listed
25 offense, the department shall not issue a license to that
26 applicant. If a criminal history check or criminal records check
27 performed under section 5c reveals that an applicant for renewal of

1 a license under this act has been convicted of a listed offense,
2 the department shall not renew that license. If a criminal history
3 check or criminal records check performed under section 5c reveals
4 that a current licensee has been convicted of a listed offense, the
5 department shall revoke the license of that licensee.

6 (15) The department shall not issue or renew a certificate of
7 registration to a family day care home or a license to a group day
8 care home under this act without requesting a criminal history
9 check and criminal records check as required by section 5f and a
10 department of state police ICHAT check required by section 5g. If a
11 criminal history check or criminal records check performed under
12 section 5f or an ICHAT check performed under section 5g reveals
13 that an applicant for a certificate of registration or license
14 under this act or a person over 18 years of age residing in that
15 applicant's home has been convicted of a listed offense, the
16 department shall not issue a certificate of registration or license
17 to that applicant. If a criminal history check or criminal records
18 check performed under section 5f or an ICHAT check performed under
19 section 5g reveals that an applicant for renewal of a certificate
20 of registration or license under this act or a person over 18 years
21 of age residing in that applicant's home has been convicted of a
22 listed offense, the department shall not renew a certificate of
23 registration or license to that applicant. If a criminal history
24 check or criminal records check performed under section 5f or an
25 ICHAT check performed under section 5g reveals that a current
26 registrant or licensee under this act or a person over 18 years of
27 age residing in that registrant's or licensee's home has been

1 convicted of a listed offense, the department shall revoke that
2 registrant's certificate of registration or licensee's license.

3 (16) EXCEPT AS PROVIDED IN SECTIONS 5H(13) AND 5I(4), THE
4 DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE TO A FOSTER FAMILY
5 HOME OR FOSTER FAMILY GROUP HOME UNDER THIS ACT WITHOUT REQUESTING
6 A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK AS REQUIRED BY
7 SECTION 5H AND A DEPARTMENT OF STATE POLICE ICHAT CHECK REQUIRED BY
8 SECTION 5I. IF A CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK
9 PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK PERFORMED UNDER
10 SECTION 5I REVEALS THAT AN APPLICANT FOR A LICENSE UNDER THIS ACT
11 OR A PERSON OVER 18 YEARS OF AGE RESIDING IN THAT APPLICANT'S HOME
12 HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL NOT
13 ISSUE A LICENSE TO THAT APPLICANT. IF A CRIMINAL HISTORY CHECK OR
14 CRIMINAL RECORDS CHECK PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK
15 PERFORMED UNDER SECTION 5I REVEALS THAT AN APPLICANT FOR RENEWAL OF
16 A LICENSE UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE RESIDING
17 IN THAT APPLICANT'S HOME HAS BEEN CONVICTED OF A LISTED OFFENSE,
18 THE DEPARTMENT SHALL NOT RENEW THE LICENSE OF THAT APPLICANT. IF A
19 CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK PERFORMED UNDER
20 SECTION 5H OR AN ICHAT CHECK PERFORMED UNDER SECTION 5I REVEALS
21 THAT A LICENSEE OF A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
22 CURRENTLY LICENSED UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE
23 RESIDING IN THAT FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME HAS
24 BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL REVOKE
25 THAT LICENSEE'S LICENSE. As used in this section:

26 (a) "Completed application" means an application complete on
27 its face and submitted with any applicable licensing or

1 registration fees as well as any other information, records,
2 approval, security, or similar item required by law or rule from a
3 local unit of government, a federal agency, or a private entity but
4 not from another department or agency of this state. A completed
5 application does not include a health inspection performed by a
6 local health department.

7 (b) "Good moral character" means that term as defined in and
8 determined under 1974 PA 381, MCL 338.41 to 338.47.

9 (c) "Member of the household" means any individual, other than
10 a foster child, who resides in a foster family home or foster
11 family group home on an ongoing or recurrent basis.

12 Sec. 5e. (1) A child care center, ~~or~~ day care center, **FOSTER**
13 **FAMILY HOME, OR FOSTER FAMILY GROUP HOME** licensee shall report to
14 the department and an employee of a child care center or day care
15 center shall report to that child care center or day care center
16 within 3 business days after he or she has been arraigned for 1 or
17 more of the following crimes:

18 (a) Any felony.

19 (b) Any of the following misdemeanors:

20 (i) Criminal sexual conduct in the fourth degree or an attempt
21 to commit criminal sexual conduct in the fourth degree.

22 (ii) Child abuse in the third or fourth degree or an attempt to
23 commit child abuse in the third or fourth degree.

24 (iii) A misdemeanor involving cruelty, torture, or indecent
25 exposure involving a child.

26 (iv) A misdemeanor violation of section 7410 of the public
27 health code, 1978 PA 368, MCL 333.7410.

1 (v) A violation of section 115, 141a, 145a, 335a, or 359 of
2 the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a,
3 750.145a, 750.335a, and 750.359, or a misdemeanor violation of
4 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,
5 MCL 750.81, 750.81a, and 750.145d.

6 (vi) A misdemeanor violation of section 701 of the Michigan
7 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

8 (vii) Any misdemeanor that is a listed offense.

9 (c) A violation of a substantially similar law of another
10 state, of a political subdivision of this state or another state,
11 or of the United States.

12 (2) A person who violates subsection (1) is guilty of a crime
13 as follows:

14 (a) If the person violates subsection (1) and the crime
15 involved in the violation is a misdemeanor that is a listed offense
16 or is a felony, the person is guilty of a felony punishable by
17 imprisonment for not more than 2 years or a fine of not more than
18 \$2,000.00, or both.

19 (b) If the person violates subsection (1) and the crime
20 involved in the violation is a misdemeanor that is not a listed
21 offense, the person is guilty of a misdemeanor punishable by
22 imprisonment for not more than 1 year or a fine of not more than
23 \$1,000.00, or both.

24 (3) The department shall delete from the licensee's records
25 all information relating to an arraignment required to be reported
26 under subsection (1) if the department receives documentation that
27 the licensee is subsequently not convicted of any crime after the

1 completion of judicial proceedings resulting from that arraignment.

2 (4) A child care center or day care center shall delete from
3 the employee's records all information relating to an arraignment
4 required to be reported under subsection (1) if it receives
5 documentation that the employee is subsequently not convicted of
6 any crime after the completion of judicial proceedings resulting
7 from that arraignment.

8 (5) Not later than ~~30 days after the effective date of the~~
9 ~~amendatory act that added this section~~ **JANUARY 31, 2006**, the
10 department shall inform all licensees and applicants for licenses
11 of the requirement under this section to report when he or she is
12 arraigned for certain crimes and the penalty for not reporting.

13 (6) Not later than ~~30 days after the effective date of the~~
14 ~~amendatory act that added this section~~ **JANUARY 31, 2006**, a child
15 care center or day care center shall inform all current employees
16 and all persons who work regularly and continuously under contract
17 at the child care center or day care center of the requirement
18 under this section to report when he or she is arraigned for
19 certain crimes and the penalty for not reporting.

20 (7) At the time a child care center or day care center makes
21 an offer of employment to a person or allows a person to regularly
22 and continuously work under contract at the child care center or
23 day care center, the child care center or day care center shall
24 notify that person of the requirement under this section to report
25 when he or she is arraigned for certain crimes and the penalty for
26 not reporting.

27 **SEC. 5H. (1) EXCEPT AS PROVIDED IN SUBSECTION (13), WHEN A**

1 PERSON APPLIES FOR OR TO RENEW A LICENSE TO OPERATE A FOSTER FAMILY
2 HOME OR A FOSTER FAMILY GROUP HOME UNDER SECTION 5, THE DEPARTMENT
3 SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO PERFORM BOTH OF THE
4 FOLLOWING ON THAT PERSON:

5 (A) CONDUCT A CRIMINAL HISTORY CHECK ON THE PERSON.

6 (B) CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL
7 BUREAU OF INVESTIGATION ON THE PERSON.

8 (2) EACH PERSON APPLYING FOR A LICENSE TO OPERATE A FOSTER
9 FAMILY HOME OR A FOSTER FAMILY GROUP HOME SHALL GIVE WRITTEN
10 CONSENT AT THE TIME OF APPLICATION FOR THE DEPARTMENT OF STATE
11 POLICE TO CONDUCT A CRIMINAL HISTORY CHECK AND A CRIMINAL RECORDS
12 CHECK REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL REQUIRE THE
13 PERSON TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE
14 POLICE FOR THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK
15 DESCRIBED IN SUBSECTION (1).

16 (3) THE DEPARTMENT SHALL REQUEST A CRIMINAL HISTORY CHECK AND
17 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN
18 THE MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE.

19 (4) WITHIN A REASONABLE TIME AFTER RECEIVING A COMPLETE
20 REQUEST BY THE DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON
21 UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL CONDUCT
22 THE CRIMINAL HISTORY CHECK AND PROVIDE A REPORT OF THE RESULTS TO
23 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY
24 RECORD INFORMATION ON THE PERSON MAINTAINED BY THE DEPARTMENT OF
25 STATE POLICE.

26 (5) WITHIN A REASONABLE TIME AFTER RECEIVING A PROPER REQUEST
27 BY THE DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON A PERSON UNDER

1 THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL INITIATE THE
2 CRIMINAL RECORDS CHECK. AFTER RECEIVING THE RESULTS OF THE CRIMINAL
3 RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THE
4 DEPARTMENT OF STATE POLICE SHALL PROVIDE A REPORT OF THE RESULTS TO
5 THE DEPARTMENT.

6 (6) THE DEPARTMENT OF STATE POLICE MAY CHARGE THE DEPARTMENT A
7 FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK
8 REQUIRED UNDER THIS SECTION THAT DOES NOT EXCEED THE ACTUAL AND
9 REASONABLE COST OF CONDUCTING THE CHECK.

10 (7) A PERSON TO WHOM A LICENSE HAS BEEN ISSUED UNDER THIS ACT
11 SHALL REPORT TO THE DEPARTMENT WITHIN 3 BUSINESS DAYS AFTER HE OR
12 SHE HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES AND
13 WITHIN 3 BUSINESS DAYS AFTER HE OR SHE KNOWS OR SHOULD REASONABLY
14 KNOW THAT AN EMPLOYEE OR A PERSON OVER 18 YEARS OF AGE RESIDING IN
15 THE HOME HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES:

16 (A) ANY FELONY.

17 (B) ANY OF THE FOLLOWING MISDEMEANORS:

18 (i) CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE OR AN ATTEMPT
19 TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

20 (ii) CHILD ABUSE IN THE THIRD OR FOURTH DEGREE OR AN ATTEMPT TO
21 COMMIT CHILD ABUSE IN THE THIRD OR FOURTH DEGREE.

22 (iii) A MISDEMEANOR INVOLVING CRUELTY, TORTURE, OR INDECENT
23 EXPOSURE INVOLVING A CHILD.

24 (iv) A MISDEMEANOR VIOLATION OF SECTION 7410 OF THE PUBLIC
25 HEALTH CODE, 1978 PA 368, MCL 333.7410.

26 (v) A VIOLATION OF SECTION 115, 141A, 145A, 335A, OR 359 OF
27 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.115, 750.141A,

1 750.145A, 750.335A, AND 750.359, OR A MISDEMEANOR VIOLATION OF
2 SECTION 81, 81A, OR 145D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
3 MCL 750.81, 750.81A, AND 750.145D.

4 (vi) A MISDEMEANOR VIOLATION OF SECTION 701 OF THE MICHIGAN
5 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701.

6 (vii) ANY MISDEMEANOR THAT IS A LISTED OFFENSE.

7 (C) A VIOLATION OF A SUBSTANTIALLY SIMILAR LAW OF ANOTHER
8 STATE, OF A POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE,
9 OR OF THE UNITED STATES.

10 (8) A PERSON WHO VIOLATES SUBSECTION (7) IS GUILTY OF A CRIME
11 AS FOLLOWS:

12 (A) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
13 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS A LISTED OFFENSE
14 OR IS A FELONY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
15 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
16 \$2,000.00, OR BOTH.

17 (B) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
18 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS NOT A LISTED
19 OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
20 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
21 \$1,000.00, OR BOTH.

22 (9) THE DEPARTMENT SHALL DELETE FROM THE LICENSEE'S RECORDS
23 ALL INFORMATION RELATING TO AN ARRAIGNMENT REQUIRED TO BE REPORTED
24 UNDER THIS SECTION IF THE DEPARTMENT RECEIVES DOCUMENTATION THAT
25 THE PERSON ARRAIGNED FOR THE CRIME IS SUBSEQUENTLY NOT CONVICTED OF
26 ANY CRIME AFTER THE COMPLETION OF JUDICIAL PROCEEDINGS RESULTING
27 FROM THAT ARRAIGNMENT.

1 (10) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL INFORM
3 ALL PERSONS CURRENTLY ISSUED A LICENSE AND ALL APPLICANTS FOR A
4 LICENSE OF THE REQUIREMENT TO REPORT CERTAIN ARRAIGNMENTS AS
5 REQUIRED IN THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE
6 ARRAIGNMENTS.

7 (11) AT THE TIME THE DEPARTMENT ISSUES A LICENSE TO OPERATE A
8 FOSTER FAMILY HOME OR A FOSTER FAMILY GROUP HOME UNDER THIS ACT,
9 THE DEPARTMENT SHALL NOTIFY THE LICENSEE OF THE REQUIREMENT TO
10 REPORT CERTAIN ARRAIGNMENTS AS REQUIRED IN THIS SECTION AND THE
11 PENALTY FOR NOT REPORTING THOSE ARRAIGNMENTS.

12 (12) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
13 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL
14 CONDUCT A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK ON ALL
15 PERSONS CURRENTLY ISSUED A LICENSE UNDER THIS ACT TO OPERATE A
16 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME.

17 (13) BEGINNING JULY 1, 2007, IF A PERSON APPLYING TO RENEW A
18 LICENSE TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
19 HAS PREVIOUSLY UNDERGONE A CRIMINAL HISTORY CHECK AND CRIMINAL
20 RECORDS CHECK REQUIRED UNDER SUBSECTION (1) AND HAS REMAINED
21 CONTINUOUSLY LICENSED AFTER THE CRIMINAL HISTORY CHECK AND CRIMINAL
22 RECORDS CHECK HAVE BEEN PERFORMED, THAT PERSON IS NOT REQUIRED TO
23 SUBMIT TO ANOTHER CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK
24 UPON RENEWAL OF THE LICENSE OBTAINED UNDER SECTION 5.

25 SEC. 5I. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), WHEN A
26 PERSON APPLIES FOR A LICENSE TO OPERATE A FOSTER FAMILY HOME OR
27 FOSTER FAMILY GROUP HOME UNDER SECTION 5, THE DEPARTMENT SHALL

Senate Bill No. 1411 as amended September 19, 2006

1 PERFORM A CRIMINAL HISTORY CHECK USING THE DEPARTMENT OF STATE
2 POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT) ON ALL
3 PERSONS OVER 18 YEARS OF AGE RESIDING IN THE HOME IN WHICH THE
4 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME IS OPERATED. THIS
5 SECTION DOES NOT APPLY TO A PERSON RESIDING IN THE HOME FOR A
6 PERIOD OF NOT MORE THAN 14 DAYS.

7 (2) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL
9 PERFORM AN ICHAT CHECK ON ALL PERSONS OVER 18 YEARS OF AGE RESIDING
10 IN THE HOME IN WHICH A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP
11 HOME IS CURRENTLY OPERATED.

12 (3) IF A SEARCH OF ICHAT REVEALS THAT A PERSON OVER 18 YEARS
13 OF AGE RESIDING IN THE FOSTER FAMILY HOME OR FOSTER FAMILY GROUP
14 HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL
15 NOT ISSUE A LICENSE TO THE APPLICANT, SHALL NOT RENEW A LICENSE TO
16 THE LICENSEE APPLYING FOR RENEWAL, OR SHALL REVOKE A CURRENT
17 LICENSEE'S LICENSE.

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Senate Bill No. 1411 as amended September 19, 2006

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3 Enacting section 1. This amendatory act takes effect July 1,
4 2007.