

SENATE BILL No. 1411

September 7, 2006, Introduced by Senator VAN WOERKOM and referred to the Committee on Families and Human Services.

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

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

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

1 location. A certificate of registration is nontransferable and
2 remains the property of the department. Within 90 days after
3 initial registration, the department shall make an on-site visit of
4 the family day care home.

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

1 additional third party reimbursement or worker's compensation
2 benefits for services rendered. A foster family home or a foster
3 family group home shall be certified for licensing by the
4 department by only 1 child placing agency or approved governmental
5 unit. Other child placing agencies may place children in a foster
6 family home or foster family group home only upon the approval of
7 the certifying agency or governmental unit. **A LICENSED CHILD
8 PLACING AGENCY OR AN APPROVED GOVERNMENTAL UNIT SHALL COMPLETE THE
9 CRIMINAL HISTORY, CRIMINAL RECORD CHECKS, AND DEPARTMENT OF STATE
10 POLICE ICHAT CHECKS REQUIRED IN THIS SECTION AND SECTIONS 5H AND 5I
11 BEFORE CERTIFYING TO THE DEPARTMENT THAT THE FOSTER FAMILY HOME OR
12 FOSTER FAMILY GROUP HOME MEETS THE LICENSING REQUIREMENTS
13 PRESCRIBED BY THIS ACT.**

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

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

26 (6) The department may authorize a licensed child placing
27 agency or an approved governmental unit to place a child who is 16

1 or 17 years old in an adult foster care family home or an adult
2 foster care small group home licensed under the adult foster care
3 facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, if a
4 licensed child placing agency or approved governmental unit retains
5 supervisory responsibility for the child and certifies to the
6 department all of the following:

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

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

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

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

16 (7) On an exception basis, the director of the department, or
17 his or her designee, may authorize a licensed child placing agency
18 or an approved governmental unit to place an adult in a foster
19 family home if a licensed child placing agency or approved
20 governmental unit certifies to the department all of the following:

21 (a) The adult is a person with a developmental disability as
22 defined by section 100a of the mental health code, 1974 PA 258, MCL
23 330.1100a, or a person who is otherwise neurologically disabled and
24 is also physically limited to a degree that requires complete
25 physical assistance with mobility and activities of daily living.

26 (b) The placement is in the best interests of the adult and
27 will not adversely affect the interests of the foster child or

1 children residing in the foster family home.

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

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

6 (e) The child placing agency or approved governmental unit
7 will periodically reevaluate the placement of an adult under this
8 subsection to determine that the criteria for placement in
9 subdivisions (a) through (d) continue to be met and document that
10 the adult is receiving care consistent with the administrative
11 rules for a child placing agency.

12 (8) On an exception basis, the director of the department, or
13 his or her designee, may authorize a licensed child placing agency
14 or an approved governmental unit to place a child in an adult
15 foster care family home or an adult foster care small group home
16 licensed under the adult foster care licensing act, 1979 PA 218,
17 MCL 400.701 to 400.737, if the licensed child placing agency or
18 approved governmental unit certifies to the department all of the
19 following:

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

21 (b) The placement has the concurrence of the parent or
22 guardian of the child.

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

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

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

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

7 (g) The child is neurologically disabled and is also
8 physically limited to such a degree as to require complete physical
9 assistance with mobility and activities of daily living.

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

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

1 requires the fulfillment of a corrective action plan, the 6-month
2 period is tolled until either of the following occurs:

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

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

8 (10) The determination of the completeness of an application
9 is not an approval of the application for the license and does not
10 confer eligibility on an applicant determined otherwise ineligible
11 for issuance of a license.

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

27 (12) If, on a continual basis, inspections performed by a

1 local health department delay the department in issuing or denying
2 licenses or registrations for child care centers, group day care
3 homes, and family day care homes under this act within the 6-month
4 period, the department may use department staff to complete the
5 inspections instead of the local health department causing the
6 delays.

7 (13) Beginning October 1, 2008, the director of the department
8 shall submit a report by December 1 of each year to the standing
9 committees and appropriations subcommittees of the senate and house
10 of representatives concerned with human services and children's
11 issues. The director shall include all of the following information
12 regarding applications for licenses and registrations only for
13 child care centers, group day care homes, and family day care homes
14 filed under this act in the report concerning the preceding fiscal
15 year:

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

19 (b) The number of applications requiring a request for
20 additional information.

21 (c) The number of applications rejected.

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

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

26 (14) The department shall not issue to or renew the license of
27 a child care center or day care center under this act without

1 requesting a criminal history check and criminal records check as
2 required by section 5c. If a criminal history check or criminal
3 records check performed under section 5c reveals that an applicant
4 for a license under this act has been convicted of a listed
5 offense, the department shall not issue a license to that
6 applicant. If a criminal history check or criminal records check
7 performed under section 5c reveals that an applicant for renewal of
8 a license under this act has been convicted of a listed offense,
9 the department shall not renew that license. If a criminal history
10 check or criminal records check performed under section 5c reveals
11 that a current licensee has been convicted of a listed offense, the
12 department shall revoke the license of that licensee.

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

1 of age residing in that applicant's home has been convicted of a
2 listed offense, the department shall not renew a certificate of
3 registration or license to that applicant. If a criminal history
4 check or criminal records check performed under section 5f or an
5 ICHAT check performed under section 5g reveals that a current
6 registrant or licensee under this act or a person over 18 years of
7 age residing in that registrant's or licensee's home has been
8 convicted of a listed offense, the department shall revoke that
9 registrant's certificate of registration or licensee's license.

10 (16) THE DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE TO A
11 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER THIS ACT
12 WITHOUT REQUESTING A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS
13 CHECK AS REQUIRED BY SECTION 5H AND A DEPARTMENT OF STATE POLICE
14 ICHAT CHECK REQUIRED BY SECTION 5I. IF A CRIMINAL HISTORY CHECK OR
15 CRIMINAL RECORDS CHECK PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK
16 PERFORMED UNDER SECTION 5I REVEALS THAT AN APPLICANT FOR A LICENSE
17 UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE RESIDING IN THAT
18 APPLICANT'S HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE
19 DEPARTMENT SHALL NOT ISSUE A LICENSE TO THAT APPLICANT. IF A
20 CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK PERFORMED UNDER
21 SECTION 5H OR AN ICHAT CHECK PERFORMED UNDER SECTION 5I REVEALS
22 THAT AN APPLICANT FOR RENEWAL OF A LICENSE UNDER THIS ACT OR A
23 PERSON OVER 18 YEARS OF AGE RESIDING IN THAT APPLICANT'S HOME HAS
24 BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL NOT RENEW
25 THE LICENSE OF THAT APPLICANT. IF A CRIMINAL HISTORY CHECK OR
26 CRIMINAL RECORDS CHECK PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK
27 PERFORMED UNDER SECTION 5I REVEALS THAT A LICENSEE OF A FOSTER

1 **FAMILY HOME OR FOSTER FAMILY GROUP HOME CURRENTLY LICENSED UNDER**
2 **THIS ACT OR A PERSON OVER 18 YEARS OF AGE RESIDING IN THAT FOSTER**
3 **FAMILY HOME OR FOSTER FAMILY GROUP HOME HAS BEEN CONVICTED OF A**
4 **LISTED OFFENSE, THE DEPARTMENT SHALL REVOKE THAT LICENSEE'S**
5 **LICENSE.** As used in this section:

6 (a) "Completed application" means an application complete on
7 its face and submitted with any applicable licensing or
8 registration fees as well as any other information, records,
9 approval, security, or similar item required by law or rule from a
10 local unit of government, a federal agency, or a private entity but
11 not from another department or agency of this state. A completed
12 application does not include a health inspection performed by a
13 local health department.

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

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

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

25 (a) Any felony.

26 (b) Any of the following misdemeanors:

27 (i) Criminal sexual conduct in the fourth degree or an attempt

1 to commit criminal sexual conduct in the fourth degree.

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

4 (iii) A misdemeanor involving cruelty, torture, or indecent
5 exposure involving a child.

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

8 (v) A violation of section 115, 141a, 145a, 335a, or 359 of
9 the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a,
10 750.145a, 750.335a, and 750.359, or a misdemeanor violation of
11 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,
12 MCL 750.81, 750.81a, and 750.145d.

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

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

16 (c) A violation of a substantially similar law of another
17 state, of a political subdivision of this state or another state,
18 or of the United States.

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

21 (a) If the person violates subsection (1) and the crime
22 involved in the violation is a misdemeanor that is a listed offense
23 or is a felony, the person is guilty of a felony punishable by
24 imprisonment for not more than 2 years or a fine of not more than
25 \$2,000.00, or both.

26 (b) If the person violates subsection (1) and the crime
27 involved in the violation is a misdemeanor that is not a listed

1 offense, the person is guilty of a misdemeanor punishable by
2 imprisonment for not more than 1 year or a fine of not more than
3 \$1,000.00, or both.

4 (3) The department shall delete from the licensee's records
5 all information relating to an arraignment required to be reported
6 under subsection (1) if the department receives documentation that
7 the licensee is subsequently not convicted of any crime after the
8 completion of judicial proceedings resulting from that arraignment.

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

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

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

27 (7) At the time a child care center or day care center makes

1 an offer of employment to a person or allows a person to regularly
2 and continuously work under contract at the child care center or
3 day care center, the child care center or day care center shall
4 notify that person of the requirement under this section to report
5 when he or she is arraigned for certain crimes and the penalty for
6 not reporting.

7 SEC. 5H. (1) WHEN A PERSON APPLIES FOR OR TO RENEW A LICENSE
8 TO OPERATE A FOSTER FAMILY HOME OR A FOSTER FAMILY GROUP HOME UNDER
9 SECTION 5, THE DEPARTMENT SHALL REQUEST THE DEPARTMENT OF STATE
10 POLICE TO PERFORM BOTH OF THE FOLLOWING ON THAT PERSON:

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

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

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

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

25 (4) WITHIN A REASONABLE TIME AFTER RECEIVING A COMPLETE
26 REQUEST BY THE DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON
27 UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL CONDUCT

1 THE CRIMINAL HISTORY CHECK AND PROVIDE A REPORT OF THE RESULTS TO
2 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY
3 RECORD INFORMATION ON THE PERSON MAINTAINED BY THE DEPARTMENT OF
4 STATE POLICE.

5 (5) WITHIN A REASONABLE TIME AFTER RECEIVING A PROPER REQUEST
6 BY THE DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON A PERSON UNDER
7 THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL INITIATE THE
8 CRIMINAL RECORDS CHECK. AFTER RECEIVING THE RESULTS OF THE CRIMINAL
9 RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THE
10 DEPARTMENT OF STATE POLICE SHALL PROVIDE A REPORT OF THE RESULTS TO
11 THE DEPARTMENT.

12 (6) THE DEPARTMENT OF STATE POLICE MAY CHARGE THE DEPARTMENT A
13 FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK
14 REQUIRED UNDER THIS SECTION THAT DOES NOT EXCEED THE ACTUAL AND
15 REASONABLE COST OF CONDUCTING THE CHECK. THE DEPARTMENT MAY PASS
16 ALONG TO THE LICENSEE OR APPLICANT THE ACTUAL COST OR FEE CHARGED
17 BY THE DEPARTMENT OF STATE POLICE FOR PERFORMING A CRIMINAL HISTORY
18 CHECK OR A CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION.

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

25 (A) ANY FELONY.

26 (B) ANY OF THE FOLLOWING MISDEMEANORS:

27 (i) CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE OR AN ATTEMPT

1 TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

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

4 (iii) A MISDEMEANOR INVOLVING CRUELTY, TORTURE, OR INDECENT
5 EXPOSURE INVOLVING A CHILD.

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

8 (v) A VIOLATION OF SECTION 115, 141A, 145A, 335A, OR 359 OF
9 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.115, 750.141A,
10 750.145A, 750.335A, AND 750.359, OR A MISDEMEANOR VIOLATION OF
11 SECTION 81, 81A, OR 145D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.81, 750.81A, AND 750.145D.

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

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

16 (C) A VIOLATION OF A SUBSTANTIALLY SIMILAR LAW OF ANOTHER
17 STATE, OF A POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE,
18 OR OF THE UNITED STATES.

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

21 (A) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
22 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS A LISTED OFFENSE
23 OR IS A FELONY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
24 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
25 \$2,000.00, OR BOTH.

26 (B) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
27 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS NOT A LISTED

1 OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
3 \$1,000.00, OR BOTH.

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

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

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

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

26 SEC. 5I. (1) WHEN A PERSON APPLIES FOR A LICENSE TO OPERATE A
27 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER SECTION 5, THE

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