

SENATE BILL No. 97

January 25, 2007, Introduced by Senator HARDIMAN 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,"

(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 (6), 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 1 OR MORE OF THE FOLLOWING:

1 (A) CHILDREN WHO WERE UNDER THE CHILD CARE ORGANIZATION'S CARE
2 AT THE SITE AND THE TIME THE INCIDENT BEING INVESTIGATED OCCURRED.

3 (B) IF THE INDIVIDUAL BEING INVESTIGATED IS STILL PRESENT AT
4 THE CHILD CARE ORGANIZATION AT THE TIME OF THE INVESTIGATION,
5 CHILDREN WHO HAVE OR WILL COME INTO CONTACT WITH THE INDIVIDUAL
6 BEING INVESTIGATED AS LONG AS THAT INDIVIDUAL IS PRESENT AT THE
7 CHILD CARE ORGANIZATION.

8 (2) THE CHILD CARE ORGANIZATION SHALL SEND WRITTEN
9 NOTIFICATION WITHIN 1 BUSINESS DAY AFTER THE INITIAL GOOD FAITH
10 ATTEMPT UNDER SUBSECTION (1) AT ORAL NOTIFICATION. FOR THE PURPOSE
11 OF THIS SUBSECTION, WRITTEN NOTIFICATION SHALL BE GIVEN BY 1 OF THE
12 FOLLOWING:

13 (A) MAIL SERVICE.

14 (B) FACSIMILE TRANSMISSION.

15 (C) ELECTRONIC MAIL.

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

20 (4) IF, UPON COMPLETION OF THE SPECIAL INVESTIGATION DESCRIBED
21 IN SUBSECTION (1), THE DEPARTMENT MAKES A DETERMINATION THAT THERE
22 ARE NO SUBSTANTIATED RULE VIOLATIONS, THE DEPARTMENT SHALL PROVIDE
23 THE CHILD CARE ORGANIZATION WITH WRITTEN NOTIFICATION OF THAT
24 DETERMINATION THAT THE CHILD CARE ORGANIZATION MAY SHARE WITH THE
25 PARENTS OR LEGAL GUARDIANS OF THE CHILDREN IN THE CHILD CARE
26 ORGANIZATION'S CARE WHO RECEIVED THE NOTIFICATION REQUIRED UNDER
27 SUBSECTIONS (1) AND (2).

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1 (5) THE DEPARTMENT SHALL MAKE THE INFORMATION PROVIDED IN
2 SUBSECTION (4) AVAILABLE TO THE PUBLIC ON THE DEPARTMENT WEBSITE.

3 (6) THIS SECTION DOES NOT APPLY TO A CHILD CARING INSTITUTION,
4 CHILD PLACING AGENCY, FOSTER FAMILY HOME, OR FOSTER FAMILY GROUP
5 HOME.

6 (7) FOR THE PURPOSE OF THIS SECTION, "SPECIAL INVESTIGATION
7 THAT THE DEPARTMENT CLASSIFIES AS HIGH RISK" MEANS AN INVESTIGATION
8 IN WHICH THE DEPARTMENT BECOMES AWARE THAT 1 OR MORE OF THE
9 CONDITIONS LISTED IN SECTION 8(3)(A) TO (C) OF THE CHILD PROTECTION
10 LAW, 1975 PA 238, MCL 722.628, EXIST.

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

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

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

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

24 (ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT
25 MORE THAN <<\$5,000.00>>, OR BOTH.