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Senate Bill 723 (as introduced 8-5-09) Sponsor: Senator Tupac A. Hunter Committee: Families and Human Services

Date Completed: 1-26-10

CONTENT

The bill would amend the child care licensing Act to require the operator of a child care center, group child care home, or family child care home to do the following:

- -- Maintain on its premises a licensing notebook that included reports from all licensing inspections and special investigations, and a list of incidents involving serious injury or death.
- -- Maintain a form listing all incidents within the previous 10 years that resulted in the serious injury or death of a child or a special investigation by the Department of Human Services (DHS), signed by the parent or guardian of each child under its care.

The bill also would prohibit the DHS from issuing or renewing a license or registration of a child care center, group child care home, or family child care home if a previous license or registration of the licensee, registrant, or applicant had been revoked for a violation that resulted in the serious injury or death of a child under its care.

Licensing Notebook

The licensing notebook would have to be made available for review to parents or guardians of children under the care of the child care center, group child care home, or family child care home, and parents or guardians considering placing their children in its care.

The notebook would have to include the reports from all licensing or registration inspections, renewal inspections, special investigations, and corrective action plans. It also would have to include a list of all incidents occurring at the center or home that involved an injury that required hospitalization or resulted in death for the 10-year period preceding the date of licensing or registration or the most recent renewal. The information in the notebook would have to be updated regularly and be made available at all times during the facility's normal hours of operation.

The DHS would have to include on its "child in care/receipt" form or any successor form a check box allowing the parent or guardian to acknowledge that he or she was aware of the information available in the licensing notebook, and that the information was available on the Department's website. The form would have to contain in bold print the DHS website address where the information could be located.

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Summary Form

Beginning on the bill's effective date, a child care center, group child care home, or family child care home would have to maintain a form listing in summary all incidents that occurred during the 10-year period preceding the licensing or registration or the most recent renewal that resulted in an injury requiring hospitalization, the death of a child in care, or a special investigation. The form would have to be signed by the parent or guardian of each child placed in the child care center, group child care home, or family child care home after the bill's effective date.

Parents or guardians of children under the care of the center or home on the bill's effective date would have to sign the form within 30 days after that date. The form would have to be kept in the files of the center or home and made available to the DHS for review during inspections.

Previous Violations

The DHS could not issue or renew a license or certificate of registration of a child care center, group child care home, or family child care home if the licensee, registrant, or applicant had had a previous license or registration revoked for a violation of the Act, the rules promulgated under the Act, or the terms of the license or registration that resulted in the serious injury or death of a child while under its care.

MCL 722.121 et al. Legislative Analyst: Curtis Walker

FISCAL IMPACT

The Department of Human Services could see a small, indeterminate increase in cost associated with modifying the Child in Care/Receipt form and adjusting procedures for the inspection of licensed child day care facilities to meet the requirement of Senate Bill 723.

Fiscal Analyst: David Fosdick