

SUBSTITUTE FOR
SENATE BILL NO. 723

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 section 11 (MCL 722.121), as amended by 1980 PA 232, and by adding section 3g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3G. (1) THE OPERATOR OF A CHILD CARE CENTER, GROUP CHILD
2 CARE HOME, OR FAMILY CHILD CARE HOME SHALL MAINTAIN A LICENSING
3 NOTEBOOK ON ITS PREMISES. THE LICENSING NOTEBOOK SHALL BE MADE
4 AVAILABLE FOR REVIEW TO PARENTS OR GUARDIANS OF CHILDREN UNDER THE
5 CARE OF, AND PARENTS OR GUARDIANS CONSIDERING PLACING THEIR
6 CHILDREN IN THE CARE OF, THE CHILD CARE CENTER, GROUP CHILD CARE

1 HOME, OR FAMILY CHILD CARE HOME.

2 (2) THE LICENSING NOTEBOOK DESCRIBED IN SUBSECTION (1) SHALL
3 INCLUDE THE REPORTS FROM ALL LICENSING OR REGISTRATION INSPECTIONS,
4 RENEWAL INSPECTIONS, SPECIAL INVESTIGATIONS, AND CORRECTIVE ACTION
5 PLANS. THE LICENSING NOTEBOOK SHALL ALSO INCLUDE A SUMMARY SHEET
6 OUTLINING THE REPORTS DESCRIBED IN THIS SUBSECTION. THE INFORMATION
7 IN THE LICENSING NOTEBOOK SHALL BE UPDATED AS PROVIDED BY THE
8 DEPARTMENT AND MUST BE MADE AVAILABLE TO PARENTS, GUARDIANS, AND
9 PROSPECTIVE PARENTS OR GUARDIANS AT ALL TIMES DURING THE CHILD CARE
10 CENTER'S, GROUP CHILD CARE HOME'S, OR FAMILY CHILD CARE HOME'S
11 NORMAL HOURS OF OPERATION.

12 (3) THE DEPARTMENT SHALL INCLUDE ON ITS "CHILD IN
13 CARE/RECEIPT" FORM OR ANY SUCCESSOR FORM USED INSTEAD OF THAT FORM
14 A CHECK BOX ALLOWING THE PARENT OR GUARDIAN TO ACKNOWLEDGE THAT HE
15 OR SHE IS AWARE OF THE INFORMATION AVAILABLE IN THE LICENSING
16 NOTEBOOK AVAILABLE FOR HIS OR HER REVIEW ON THE PREMISES OF THE
17 CHILD CARE CENTER, GROUP CHILD CARE HOME, OR FAMILY CHILD CARE HOME
18 AND THAT THE INFORMATION IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.
19 THE "CHILD IN CARE/RECEIPT" FORM OR SUCCESSOR FORM SHALL CONTAIN IN
20 BOLD PRINT THE DEPARTMENT'S WEBSITE ADDRESS WHERE THE INFORMATION
21 MAY BE LOCATED.

22 Sec. 11. (1) An original license shall not be granted under
23 this act if the issuance of the license would substantially
24 contribute to an excessive concentration of community residential
25 facilities within a city, village, township, or county of this
26 state.

27 (2) The department may deny, revoke, or refuse to renew a

1 license or certificate of registration of a child care organization
2 when the licensee, registrant, or applicant falsifies information
3 on the application or ~~wilfully~~**WILLFULLY** and substantially violates
4 this act, the rules promulgated under this act, or the terms of the
5 license or certificate of registration. The department may modify
6 to a provisional status a license of a child care organization when
7 the licensee ~~wilfully~~**WILLFULLY** and substantially violates this
8 act, the rules promulgated under this act, or the terms of the
9 license. A license or a certificate of registration shall not be
10 revoked, a renewal of a license or certificate of registration
11 shall not be refused, an application for a license or a certificate
12 of registration shall not be denied, or a regular license shall not
13 be modified to a provisional status unless the licensee,
14 registrant, or applicant is given notice in writing of the grounds
15 of the proposed revocation, denial, modification, or refusal. If
16 revocation, denial, modification, or refusal is appealed within 30
17 days after receipt of the notice by writing addressed to the
18 **DEPARTMENT** director, ~~of the department,~~ the director or a
19 designated representative of the director shall conduct a hearing
20 at which the licensee, registrant, or applicant may present
21 testimony and confront witnesses. Notice of the hearing shall be
22 given to the licensee, registrant, or applicant by personal service
23 or delivery to the proper address by certified mail not less than 2
24 weeks before the date of the hearing. The decision of the director
25 shall be made not more than 30 days after the hearing, and
26 forwarded to the protesting party by certified mail not more than
27 10 days ~~thereafter~~**AFTER THAT**. If the proposed revocation, denial,

1 modification, or refusal is not protested, the license or
 2 certificate of registration may be revoked or the application or
 3 the renewal of the license or certificate of registration refused.

4 (3) The department shall deny a license to a child caring
 5 institution or foster family group home ~~which~~ **THAT** does not comply
 6 with section 16a of Act No. 183 of the Public Acts of 1943, as
 7 amended, being section 125.216a of the Michigan Compiled Laws,
 8 section 16a of Act No. 184 of the Public Acts of 1943, as amended,
 9 being section 125.286a of the Michigan Compiled Laws, and section
 10 3b of Act No. 207 of the Public Acts of 1921, as amended, being
 11 section 125.583b of the Michigan Compiled Laws **206 OF THE MICHIGAN**
 12 **ZONING ENABLING ACT, 2006 PA 110, MCL 125.3206.**

13 (4) The legislative body of a city, village, or township in
 14 which a child caring institution or foster family group home is
 15 located may file a complaint with the department to have the
 16 organization's license suspended, denied, or revoked ~~pursuant~~
 17 **ACCORDING** to the procedures outlined in this act and the rules
 18 promulgated under this act. The **DEPARTMENT** director ~~of the~~
 19 ~~department~~ shall resolve the issues of the complaint within 45 days
 20 after the receipt of the complaint. Notice of the resolution of the
 21 issues shall be mailed by certified mail to the complainant and the
 22 licensee. Failure of the **DEPARTMENT** director ~~of the department~~ to
 23 resolve the issues of the complaint within 45 days after receipt of
 24 the complaint shall serve as a decision by the director to suspend,
 25 deny, or revoke the organization's license. If the decision to
 26 suspend, deny, or revoke the license or the resolution of the
 27 issues is protested by written objection of the complainant or

1 licensee to the **DEPARTMENT** director ~~of the department~~ within 30
2 days after the suspension, denial, or revocation of the license or
3 the receipt of the notice of resolution, the **DEPARTMENT** director ~~of~~
4 ~~the department~~ or a designated representative of the director shall
5 conduct a hearing pursuant to ~~Act No. 306 of the Public Acts of~~
6 ~~1969, as amended, being sections 24.201 to 24.315 of the Michigan~~
7 ~~Compiled Laws~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**
8 **306, MCL 24.201 TO 24.328**, at which the complainant and licensee
9 may present testimony and cross-examine witnesses. The **DEPARTMENT**
10 **DIRECTOR'S** decision ~~of the director of the department~~ shall be
11 mailed by certified mail to the complainant and the licensee. If
12 the resolution of the issues by the **DEPARTMENT** director ~~of the~~
13 ~~department~~ is not protested within 30 days after receipt of the
14 notice of the resolution, the resolution by the **DEPARTMENT** director
15 ~~of the department~~ is final.

16 (5) **THE DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE OR**
17 **CERTIFICATE OF REGISTRATION OF A CHILD CARE CENTER, GROUP CHILD**
18 **CARE HOME, OR FAMILY CHILD CARE HOME IF THE LICENSEE, REGISTRANT,**
19 **OR APPLICANT HAS HAD A PREVIOUS LICENSE OR CERTIFICATE OF**
20 **REGISTRATION REVOKED DUE TO A VIOLATION THIS ACT, THE RULES**
21 **PROMULGATED UNDER THIS ACT, OR THE TERMS OF THE LICENSE OR**
22 **CERTIFICATE OF REGISTRATION THAT RESULTED IN THE SERIOUS INJURY OR**
23 **DEATH OF A CHILD WHILE UNDER ITS CARE.**