

SENATE BILL No. 1044

September 6, 2016, Introduced by Senator EMMONS and referred to the Committee on Families, Seniors 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 section 10 (MCL 722.120), as amended by 2006 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The department may investigate and examine
2 conditions of a child care organization in which a licensee
3 receives, maintains, or places out children, and may investigate
4 and examine the books and records of the licensee. The licensee
5 shall admit members of the department and furnish all reasonable
6 facilities for thorough examination of its books, records, and

1 reports. The department, ~~of community health,~~ the bureau of fire
2 services, or local authorities, in carrying out the provisions of
3 this act, may visit a child care organization to advise in matters
4 affecting the health or fire protection of children.

5 (2) A licensee shall keep the records the department
6 prescribes regarding each child in its control and care and shall
7 report to the department, when requested, the facts the department
8 requires with reference to the children upon forms furnished by the
9 department. Except as otherwise provided in this subsection **AND**
10 **SUBSECTION (3)**, records regarding children and facts compiled about
11 children and their parents and relatives are confidential and
12 disclosure of this information shall be properly safeguarded by the
13 child care organization, the department, and any other entity in
14 possession of the information. Records that are confidential under
15 this section are available to both of the following:

16 (a) A standing or select committee or appropriations
17 subcommittee of either house of the legislature having jurisdiction
18 over protective services matters for children, ~~pursuant~~ **ACCORDING**
19 to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

20 (b) The children's ombudsman established in section 3 of the
21 children's ombudsman act, 1994 PA 204, MCL 722.923.

22 **(3) NOTWITHSTANDING CONFIDENTIALITY PROVISIONS IN THIS ACT,**
23 **INFORMATION OR RECORDS THAT THE DEPARTMENT HAS IN ITS POSSESSION**
24 **MAY BE DISCLOSED TO THE EXTENT NECESSARY FOR THE PROPER FUNCTIONING**
25 **OF THE DEPARTMENT OR ANOTHER STATE DEPARTMENT.**

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.