



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**

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**BILL ANALYSIS**



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

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Senate Bill 1135 (as introduced 11-8-18)  
Sponsor: Senator Judy K. Emmons  
Committee: Families, Seniors and Human Services

Date Completed: 12-5-18

**CONTENT**

**The bill would amend Public Act 116 of 1973, which governs child care organizations, to specify that certain confidential records kept by a licensee of a child care organization would have to be available to the following:**

- An agency, bureau, division, or other entity within the Department of Health and Human Services and the Department of Licensing and Regulatory Affairs, or a child caring institution or child placing agency contracted with the Departments, under certain circumstances.**
- A national accreditation program for the purpose of review and accreditation of a child welfare program, agency, or organization.**

The bill would take effect 90 days after its enactment.

"Child care organization" means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. The term includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes.

Under the Act, a child care organization licensee must keep the records the Department prescribes regarding each child in its control and care and must report to it, when requested, the facts it requires with reference to the children upon forms furnished by the Department. Records regarding children and facts compiled about children and their parents and relatives are confidential and disclosure of this information must be properly safeguarded by the child care organization, the Department, and any other entity in possession of the information. "Department" means the Department of Health and Human Services (DHHS) and the Department of Licensing and Regulatory Affairs (LARA) or a successor agency or department responsible for licensure under the Act. The Department of Licensing and Regulatory Affairs is responsible for licensing and regulatory matters for child care centers, group child care homes, family child care homes, children's camps, and children's campsites. The Department of Health and Human Services is responsible for licensing and regulatory matters for child caring institutions, child placing agencies, children's therapeutic group homes, foster family homes, and foster family group homes.

The Act specifies that these confidential records are available to the following:

- A standing or select committee or appropriations subcommittee of either house of the Legislature having jurisdiction over protective services matters for children.
- The Children's Ombudsman established by the Children's Ombudsman Act.

Under the bill, the confidential records also would have to be available to the following:

- A national accreditation program for the purpose of review and accreditation of a child welfare program, agency, or organization.
- An agency, bureau, division, or other entity within the DHHS and the LARA, or a child caring institution or child placing agency contracted with the Departments.

For the latter provision, the bill specifies that access would have to be authorized by the Director of the Department's agency responsible for child welfare services or his or her designee to individuals whose purpose be directly connected with the administration of child welfare services.

MCL 722.120

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.