

SENATE BILL No. 1135

November 8, 2018, 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 2017 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The department may investigate, inspect, and
2 examine conditions of a child care organization and may investigate
3 and examine the books and records of the licensee. The licensee
4 shall cooperate with the department's investigation, inspection,
5 and examination by doing all of the following:

6 (a) Admitting members of the department into the child care
7 organization and furnishing all reasonable facilities for thorough
8 examination of its books, records, and reports.

1 (b) Allowing the department to perform routine investigative
2 functions during the course of an investigation, inspection, or
3 examination. Routine investigative functions include, but are not
4 limited to, interviewing potential witnesses, such as staff and
5 household members, and taking photographs to assess and document
6 the conditions of the child care organization and its compliance
7 with this act and the rules promulgated under this act.

8 (c) Providing accurate and truthful information to the
9 department, and encouraging witnesses, such as staff and household
10 members, to provide accurate and truthful information to the
11 department.

12 (2) The licensee shall allow the department, the bureau of
13 fire services, or local authorities access to the child care
14 organization to carry out the provisions of this act and rules
15 promulgated under this act related to the health or fire protection
16 of children.

17 (3) A licensee shall keep the records the department
18 prescribes regarding each child in its control and care and shall
19 report to the department, when requested, the facts the department
20 requires with reference to the children upon forms furnished by the
21 department. Except as otherwise provided in this subsection and
22 subsection (4), records regarding children and facts compiled about
23 children and their parents and relatives are confidential and
24 disclosure of this information shall be properly safeguarded by the
25 child care organization, the department, and any other entity in
26 possession of the information. Records that are confidential under
27 this section are available to ~~both~~ **1 OR MORE** of the following:

1 (a) A standing or select committee or appropriations
2 subcommittee of either house of the legislature having jurisdiction
3 over protective services matters for children, according to section
4 7 of the child protection law, 1975 PA 238, MCL 722.627.

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

7 (C) AN AGENCY, BUREAU, DIVISION, OR OTHER ENTITY WITHIN THE
8 DEPARTMENT, OR A CHILD CARING INSTITUTION OR CHILD PLACING AGENCY
9 CONTRACTED WITH THE DEPARTMENT. ACCESS MUST BE AUTHORIZED BY THE
10 DIRECTOR OF THE DEPARTMENT'S AGENCY RESPONSIBLE FOR CHILD WELFARE
11 SERVICES OR HIS OR HER DESIGNEE TO INDIVIDUALS WHOSE PURPOSE IS
12 DIRECTLY CONNECTED WITH THE ADMINISTRATION OF CHILD WELFARE
13 SERVICES.

14 (D) A NATIONAL ACCREDITATION PROGRAM FOR THE PURPOSES OF
15 REVIEW AND ACCREDITATION OF A CHILD WELFARE PROGRAM, AGENCY, OR
16 ORGANIZATION.

17 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of
18 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,
19 information or records in the possession of the department or the
20 department of licensing and regulatory affairs may be shared to the
21 extent necessary for the proper functioning of the department or
22 the department of licensing and regulatory affairs in administering
23 child welfare or child care licensing under this act or in an
24 investigation conducted under section 43b of the social welfare
25 act, 1939 PA 280, MCL 400.43b. Information or records shared under
26 this subsection shall not be released by the department or the
27 department of licensing and regulatory affairs unless otherwise

1 permitted under this act or other state or federal law. Neither the
2 department nor the department of licensing and regulatory affairs
3 shall release or open for inspection any document, report, or
4 record authored by or obtained from another agency or organization
5 unless 1 of the conditions of section 7(10) of the child protection
6 law, 1975 PA 238, MCL 722.627, applies.

7 (5) A child care center, group child care home, or family
8 child care home licensee shall provide the department with child
9 information cards for all children presently enrolled for care, as
10 requested by the department, whenever the department initiates or
11 conducts an investigation, inspection, or assessment. If the
12 investigation, inspection, or assessment results in the department
13 pursuing disciplinary action as provided by section 11, the child
14 care center, group child care home, or family child care home
15 licensee must provide the department with child information cards
16 for newly enrolled children for the pendency of the proposed
17 disciplinary action.

18 (6) The department may suspend, deny, revoke, or refuse to
19 renew a license of the child care organization if the licensee does
20 not cooperate with an investigation, inspection, or examination
21 under this section.

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