

SENATE BILL No. 488

June 22, 2017, Introduced by Senators MACGREGOR, GREGORY, MEEKHOF,
BRANDENBURG, MARLEAU and O'BRIEN and referred to the Committee on
Oversight.

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,"

(MCL 722.111 to 722.128) by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4A. (1) BY A PROPERLY EXECUTED POWER OF ATTORNEY, A
2 PARENT OR GUARDIAN OF A MINOR CHILD MAY, UNDER THIS SECTION,
3 DELEGATE TO ANOTHER PERSON, WHO HAS UNDERGONE THE CRIMINAL HISTORY
4 CHECK AND CRIMINAL RECORDS CHECK, HOME SAFETY ASSESSMENT AND
5 INSPECTION, AND REQUIRED TRAINING UNDER SUBSECTIONS (4), (5), AND
6 (6), FOR A PERIOD OF 180 DAYS ANY OF THE PARENT'S OR GUARDIAN'S
7 POWERS REGARDING CARE, CUSTODY, OR PROPERTY OF THE MINOR CHILD,

1 EXCEPT THE POWER TO CONSENT TO MARRIAGE OR ADOPTION OF THE MINOR
2 CHILD, CONSENT TO AN ABORTION OR INDUCEMENT OF AN ABORTION TO BE
3 PERFORMED ON OR FOR THE MINOR CHILD, OR TO TERMINATE PARENTAL
4 RIGHTS TO THE MINOR CHILD. A PARENT OR GUARDIAN MAY RENEW A POWER
5 OF ATTORNEY UNDER THIS SUBSECTION FOR AN ADDITIONAL 180 DAYS. IF A
6 PARENT OR GUARDIAN IS SERVING IN THE ARMED FORCES OF THE UNITED
7 STATES AND IS DEPLOYED TO A FOREIGN NATION, A POWER OF ATTORNEY
8 UNDER THIS SUBSECTION MAY BE EFFECTIVE UNTIL THE THIRTY-FIRST DAY
9 AFTER THE END OF THE DEPLOYMENT.

10 (2) THE PARENT OR GUARDIAN EXECUTING OR RENEWING A POWER OF
11 ATTORNEY UNDER THIS SECTION MAY REVOKE OR WITHDRAW THE POWER OF
12 ATTORNEY OR RENEWAL AT ANY TIME.

13 (3) A TAX-EXEMPT CHARITABLE ORGANIZATION, INCLUDING, BUT NOT
14 LIMITED TO, A CHURCH OR CHILD PLACING AGENCY, MAY RECRUIT A PERSON
15 TO WHOM TEMPORARY POWER OF ATTORNEY MAY BE EXECUTED UNDER THIS
16 SECTION. A CHILD PLACING AGENCY MUST PROVIDE A CRIMINAL HISTORY
17 CHECK, A CRIMINAL RECORDS CHECK, A HOME SAFETY ASSESSMENT, AND
18 TRAINING FOR A PERSON AS PROVIDED UNDER SUBSECTIONS (4), (5), AND
19 (6).

20 (4) FOR EACH PERSON OVER 18 YEARS OF AGE RESIDING IN A HOME
21 WHERE A MINOR CHILD MAY BE TEMPORARILY HOSTED ACCORDING TO A POWER
22 OF ATTORNEY UNDER THIS SECTION, A CRIMINAL HISTORY CHECK AND
23 CRIMINAL RECORDS CHECK MUST BE CONDUCTED AS FOLLOWS:

24 (A) A CHILD PLACING AGENCY SHALL REQUEST THE DEPARTMENT OF
25 STATE POLICE TO PERFORM BOTH OF THE FOLLOWING:

26 (i) CONDUCT A CRIMINAL HISTORY CHECK ON THE PERSON.

27 (ii) CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL

1 BUREAU OF INVESTIGATION ON THE PERSON.

2 (B) EACH PERSON MUST GIVE WRITTEN CONSENT FOR THE DEPARTMENT
3 OF STATE POLICE TO CONDUCT A CRIMINAL HISTORY CHECK AND A CRIMINAL
4 RECORDS CHECK UNDER THIS SUBSECTION. EACH PERSON MUST SUBMIT HIS OR
5 HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE CRIMINAL
6 HISTORY CHECK AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS
7 SECTION.

8 (C) A CHILD PLACING AGENCY SHALL REQUEST AN ADDITIONAL
9 CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK REQUIRED UNDER
10 SUBDIVISION (A) FOR EACH PERSON OVER 18 YEARS OF AGE RESIDING IN
11 THE HOME EVERY 2 YEARS WHILE THE HOME IS HOSTING OR IS AVAILABLE TO
12 HOST A MINOR CHILD ACCORDING TO A POWER OF ATTORNEY UNDER THIS
13 SECTION.

14 (D) IN ADDITION TO THE CRIMINAL HISTORY CHECK AND CRIMINAL
15 RECORDS CHECK REQUIRED IN SUBDIVISIONS (A) AND (C), A CHILD PLACING
16 AGENCY SHALL REQUEST A CRIMINAL HISTORY CHECK USING THE DEPARTMENT
17 OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT) FOR
18 EACH PERSON OVER 18 YEARS OF AGE RESIDING IN A HOME THAT IS
19 AVAILABLE TO HOST A MINOR CHILD ACCORDING TO A POWER OF ATTORNEY
20 UNDER THIS SECTION.

21 (E) WHEN A HOME IS HOSTING OR IS AVAILABLE TO HOST A MINOR
22 CHILD ACCORDING TO A POWER OF ATTORNEY UNDER THIS SECTION, EACH
23 PERSON RESIDING IN THAT HOME FOR WHOM A CRIMINAL HISTORY CHECK OR
24 CRIMINAL RECORDS CHECK HAS BEEN CONDUCTED UNDER SUBDIVISION (A)
25 MUST REPORT TO A CHILD PLACING AGENCY WITHIN 3 BUSINESS DAYS AFTER
26 HE OR SHE HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE CRIMES LISTED IN
27 SECTION 5F(7).

1 (F) IF A PERSON RESIDING IN A HOME IN WHICH A MINOR CHILD IS
2 OR IS PROPOSED TO BE HOSTED ACCORDING TO A POWER OF ATTORNEY UNDER
3 THIS SECTION IS NOT OF GOOD MORAL CHARACTER AS THAT TERM IS DEFINED
4 IN AND DETERMINED UNDER 1974 PA 381, MCL 338.41 TO 338.47, A MINOR
5 CHILD SHALL NOT BE HOSTED IN THAT HOME UNDER THIS SECTION.

6 (5) A CHILD PLACING AGENCY SHALL CONDUCT A HOME SAFETY
7 ASSESSMENT AND INSPECTION AS FOLLOWS:

8 (A) A CHILD PLACING AGENCY SHALL CONDUCT A HOME SAFETY
9 ASSESSMENT FOR EACH HOME WHERE A MINOR CHILD MAY BE TEMPORARILY
10 HOSTED ACCORDING TO A POWER OF ATTORNEY UNDER THIS SECTION. THE
11 HOME SAFETY ASSESSMENT SHALL INCLUDE AN INSPECTION OF THE PHYSICAL
12 DWELLING, ASSESSMENT OF THE FAMILY'S FINANCIAL ABILITY TO PROVIDE
13 CARE FOR THE MINOR CHILD, AND ASSESSMENT OF THE FAMILY'S ABILITY
14 AND CAPACITY TO PROVIDE CARE FOR THE MINOR CHILD. AS PART OF THE
15 HOME SAFETY ASSESSMENT, THE CHILD PLACING AGENCY SHALL OBTAIN 3
16 CURRENT REFERENCES FROM PERSONS NOT RELATED TO THE FAMILY.

17 (B) A CHILD PLACING AGENCY SHALL CONDUCT A HOME SAFETY
18 ASSESSMENT EVERY 2 YEARS WHILE A HOME IS HOSTING OR IS AVAILABLE TO
19 HOST A MINOR CHILD ACCORDING TO A POWER OF ATTORNEY UNDER THIS
20 SECTION.

21 (C) A CHILD PLACING AGENCY SHALL CONDUCT PERIODIC INSPECTIONS
22 OF A HOME THAT IS HOSTING A MINOR CHILD UNDER THIS SECTION TO
23 MONITOR THE WELL-BEING OF THE MINOR CHILD AND ANY CHANGES IMPACTING
24 THE MOST RECENT HOME SAFETY ASSESSMENT. THE CHILD PLACING AGENCY
25 SHALL CONDUCT THIS INSPECTION WITHIN 48 HOURS AFTER A MINOR CHILD
26 IS HOSTED IN A HOME, 1 DAY PER WEEK FOR THE FIRST MONTH DURING
27 WHICH A MINOR CHILD IS HOSTED IN THE HOME, AND 1 DAY PER MONTH

1 AFTER THAT FOR THE DURATION OF THE PERIOD OF TIME THAT THE MINOR
2 CHILD IS BEING HOSTED IN THE HOME.

3 (D) A CHILD PLACING AGENCY'S HOME SAFETY ASSESSMENT AND
4 INSPECTION UNDER SUBDIVISIONS (A), (B), AND (C) MUST RESULT IN A
5 DETERMINATION THAT A HOME IS SAFE FOR A MINOR CHILD BEFORE THE HOME
6 MAY HOST A MINOR CHILD UNDER THIS SECTION.

7 (6) BEFORE A MINOR CHILD IS HOSTED IN A HOME ACCORDING TO A
8 POWER OF ATTORNEY UNDER THIS SECTION, A CHILD PLACING AGENCY SHALL
9 PROVIDE TRAINING FOR THE PERSONS IN THAT HOME. THE TRAINING MUST BE
10 BASED ON A NATIONAL MODEL FOR PREPARING, DEVELOPING, TRAINING, AND
11 SUPPORTING RESOURCE FAMILIES FOR THE TEMPORARY CARE OF MINOR
12 CHILDREN AND SHALL INCLUDE TRAINING ON IDENTIFYING CHILD
13 MALTREATMENT, UNDERSTANDING GRIEF AND LOSS, BEHAVIOR MANAGEMENT
14 STRATEGIES, ENVIRONMENTAL SAFETY AND UNIVERSAL PRECAUTIONS, AND
15 UNIQUE CHILD-SPECIFIC NEEDS-BASED TRAINING.

16 (7) A PERSON TO WHOM POWER RELATED TO A MINOR CHILD IS
17 DELEGATED ACCORDING TO A POWER OF ATTORNEY UNDER THIS SECTION SHALL
18 NOT BE COMPENSATED FOR SERVING AS THE TEMPORARY ATTORNEY-IN-FACT.
19 THIS SUBSECTION DOES NOT PROHIBIT AN INDIVIDUAL, PRIVATE
20 ORGANIZATION, OR GOVERNMENTAL ENTITY FROM PROVIDING FUNDS TO A
21 CHILD PLACING AGENCY FOR PROVIDING SERVICES UNDER THIS SECTION.

22 (8) EXECUTING OF A POWER OF ATTORNEY UNDER THIS SECTION DOES
23 NOT, BY ITSELF, CONSTITUTE EVIDENCE OF ABANDONMENT, CHILD ABUSE,
24 CHILD NEGLECT, DELINQUENCY, OR OTHER MALTREATMENT OF A MINOR CHILD
25 UNLESS THE PARENT OR GUARDIAN FAILS TO TAKE CUSTODY OF THE MINOR
26 CHILD WHEN A POWER OF ATTORNEY OR RENEWED POWER OF ATTORNEY EXPIRES
27 UNDER THIS SECTION. THIS SECTION DOES NOT PREVENT OR DELAY AN

1 INVESTIGATION OF CHILD ABUSE, CHILD NEGLECT, ABANDONMENT,
2 DELINQUENCY, OR OTHER MISTREATMENT OF A MINOR CHILD.

3 (9) EXECUTING OF A POWER OF ATTORNEY UNDER THIS SECTION DOES
4 NOT SUBJECT A PARENT, GUARDIAN, OR PERSON IN A HOME IN WHICH A
5 MINOR CHILD IS HOSTED UNDER THIS SECTION TO ANY LAW, RULE, OR
6 REGULATION CONCERNING LICENSING OR REGULATION OF FOSTER CARE OR A
7 CHILD CARE ORGANIZATION.

8 (10) A CHILD PLACING AGENCY SHALL MAINTAIN RECORDS FOR EACH
9 CRIMINAL HISTORY CHECK, CRIMINAL RECORDS CHECK, HOME SAFETY
10 ASSESSMENT, AND TRAINING IT CONDUCTS UNDER SUBSECTIONS (4), (5),
11 AND (6) FOR A PERIOD OF NOT LESS THAN 7 YEARS AFTER THE MINOR CHILD
12 ATTAINS 18 YEARS OF AGE. THE CHILD PLACING AGENCY SHALL MAKE THE
13 RECORDS AVAILABLE TO ANY LOCAL, STATE, OR FEDERAL AUTHORITY
14 REQUESTING THE RECORDS AS PART OF AN INVESTIGATION INVOLVING THE
15 MINOR CHILD, PARENT OR GUARDIAN, OR PERSON IN A HOME IN WHICH A
16 MINOR CHILD IS HOSTED ACCORDING TO A POWER OF ATTORNEY UNDER THIS
17 SECTION.

18 (11) THE DEPARTMENT IS NOT LIABLE FOR ANY ACTION ARISING OUT
19 OF THIS SECTION.

20 (12) THE DEPARTMENT SHALL NOT PROMULGATE RULES UNDER THIS
21 SECTION.

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

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 99th Legislature are
26 enacted into law:

27 (a) Senate Bill No. 490.

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2 (b) Senate Bill No. 491.

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4 (c) Senate Bill No. 489.

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