

CHILD DEVELOPMENT AND CARE PROGRAM CHILD CARE PROVIDERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4708 (H-1) as referred to second committee

Sponsor: Rep. Luke Meerman

1st Committee: Families, Children and Seniors

2nd Committee: Judiciary

Complete to 12-1-19

SUMMARY:

House Bill 4708 would amend section 8d of the Child Protection Law (CPL). Under current law, in investigating a report of child abuse or child neglect, the Department of Health and Human Services (DHHS) does not have to use its structured decision-making tool to determine the risk of future harm to a child for any of the following:

- A nonparent adult who lives outside the child's home.
- An owner, operator, volunteer, or employee of a licensed child care organization.
- An owner, operator, volunteer, or employee of a licensed or license-exempt child development and care program child care provider, adult foster care family home or adult foster care small group home.

If an individual listed above is found, by a preponderance of the evidence, to be the perpetrator of child abuse or neglect, DHHS must list them on the Central Registry.

The bill would add to the above list an owner, operator, volunteer, or employee of a license-exempt Child Development and Care Program child care provider.

MCL 722.628d

BACKGROUND:

The Office of the Auditor General (OAG) released its performance audit report on Children's Protective Services (CPS) investigations in September 2018.¹ The report summarizes its Finding #22 as follows: "Amendatory legislation is needed to add unlicensed Child Development and Care (CDC) Program child care providers to Section 8d(3) of the CPL to provide MDHHS with the statutory authority to include unlicensed CDC providers in the Central Registry when MDHHS identifies these individuals as perpetrators of [child abuse or child neglect] in Category III CPS investigations." See pages 68 to 69 of the report for a fuller discussion of Finding #22,² including a preliminary response from DHHS to the finding.

¹ Report highlights: <https://audgen.michigan.gov/wp-content/uploads/2018/09/CPS-REPORT-HIGHLIGHTS.pdf>
Full report: <https://audgen.michigan.gov/wp-content/uploads/2018/09/r431128516-0011.pdf>

² <https://audgen.michigan.gov/wp-content/uploads/2018/09/r431128516-0011.pdf#page=70>

FISCAL IMPACT:

House Bill 4708 would have no fiscal impact on DHHS or local units of government.

POSITIONS:

Representatives of the following entities testified with no position on the bill (9-4-19):

Office of the Auditor General

Office of Children's Ombudsman

Department of Health and Human Services

Legislative Analyst: E. Best
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.