

SUBSTITUTE FOR
HOUSE BILL NO. 5279

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 2019 PA 94.

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 **licensee's** books and records. ~~of the licensee.~~ The
4 licensee ~~shall~~ **must** cooperate with the department's investigation,
5 inspection, and examination by doing all of the following:

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

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

11 (c) Providing accurate and truthful information to the
12 department, and encouraging witnesses, such as staff and household
13 members, to provide accurate and truthful information to the
14 department.

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

20 (3) A licensee shall keep the records the department
21 prescribes regarding each child in its control and care and shall
22 report to the department, if requested, the facts the department
23 requires with reference to the children upon forms furnished by the
24 department. Except as otherwise provided in this subsection and
25 subsection (4), records regarding children and facts compiled about
26 children and their parents and relatives are confidential and
27 disclosure of this information must be properly safeguarded by the
28 child care organization, the department, and any other entity in
29 possession of the information. Records that are confidential under

1 this section are available to 1 or more of the following:

2 (a) A standing or select committee or appropriations
3 subcommittee of either house of the legislature having jurisdiction
4 over protective services matters for children, according to section
5 7 of the child protection law, 1975 PA 238, MCL 722.627.

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

8 (c) An employee of an agency, bureau, division, or other
9 entity within the department, or an employee of a child caring
10 institution, or a child placing agency contracted with the
11 department, but only to the extent necessary for the administration
12 of child welfare services in each case. The director of the agency
13 responsible for child welfare services, or his or her designee, is
14 responsible for authorizing an employee to have access to the
15 records according to this subdivision and for ensuring that access
16 is given only to the extent necessary.

17 (d) A national accreditation program, only while on-site, for
18 the purpose of review and accreditation of a child welfare program,
19 agency, or organization.

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

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

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

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

23 Enacting section 1. This amendatory act takes effect 180 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless House Bill No. 5278 of the 101st Legislature is enacted into
27 law.