

HOUSE BILL NO. 5279

August 18, 2021, Introduced by Reps. Camilleri, LaGrand, Stone, Hood, Aiyash, O'Neal, Tyrone Carter, Weiss, Witwer, Anthony, Kuppa, Cynthia Johnson, Bezotte, Huizenga, Rendon, Meerman, Maddock, Wozniak and Yancey and referred to the Committee on Families, Children, and Seniors.

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

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

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

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

14 (c) Providing accurate and truthful information to the
15 department, and encouraging witnesses, such as staff and household
16 members, to provide accurate and truthful information to the
17 department.

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

23 (3) A licensee shall keep the records the department
24 prescribes regarding each child in its control and care and shall
25 report to the department, if requested, the facts the department
26 requires with reference to the children upon forms furnished by the
27 department. Except as otherwise provided in this subsection and
28 subsection (4), records regarding children and facts compiled about
29 children and their parents and relatives are confidential and

1 disclosure of this information must be properly safeguarded by the
2 child care organization, the department, and any other entity in
3 possession of the information. Records that are confidential under
4 this section are available to 1 or more of the following:

5 (a) A standing or select committee or appropriations
6 subcommittee of either house of the legislature having jurisdiction
7 over protective services matters for children, according to section
8 7 of the child protection law, 1975 PA 238, MCL 722.627.

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

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

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

23 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of
24 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,
25 information or records in the possession of the department or the
26 department of licensing and regulatory affairs may be shared to the
27 extent necessary for the proper functioning of the department or
28 the department of licensing and regulatory affairs in administering
29 child welfare or child care licensing under this act or in an

1 investigation conducted under section 43b of the social welfare
2 act, 1939 PA 280, MCL 400.43b. Information or records shared under
3 this subsection shall not be released by the department or the
4 department of licensing and regulatory affairs unless otherwise
5 permitted under this act or other state or federal law. Neither the
6 department nor the department of licensing and regulatory affairs
7 shall release or open for inspection any document, report, or
8 record authored by or obtained from another agency or organization
9 unless 1 of the conditions of section ~~7(10)~~**7(5)** of the child
10 protection law, 1975 PA 238, MCL 722.627, applies.

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

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

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. ____ or House Bill No. 5278 (request no.
28 03591'21) of the 101st Legislature is enacted into law.