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BACKGROUND CHECKS ON CHILD CARE PROVIDERS

House Bill 5508

Sponsor: Rep. William Callahan

Committee: Family and Children Services

Complete to 11-3-00

A SUMMARY OF HOUSE BILL 5508 AS INTRODUCED 3-14-00

House Bill 5508 would add new sections to the Social Welfare Act (MCL 400.57m and 400.57n) to specify that, for the purpose of evaluating a person's qualifications as a child day care provider, the Family Independence Agency (FIA) would be required to perform a central registry clearance and receive a criminal history check from the state police Criminal Records Division before issuing a payment to an enrolled child day care provider. The bill would also require that the FIA delete a provider's enrollment if it was revealed that the person had a criminal record. The provision would take effect beginning 90 days after the effective date of the bill.

Background Check. Under the bill, the FIA would be required to immediately delete the enrollment of a child day care provider when the state police criminal history check revealed that the provider had one or more of the following records:

- A central registry case.
- A conviction record on the LEIN system.
- A record of having his or her child day care provider license or registration revoked on the child day care licensing database of the Department of Consumer and Industry Services.

In addition to a central registry clearance and criminal history check, the FIA could also request that the state police conduct a criminal records check through the Federal Bureau of Investigation (FBI) on a child day care provider applicant. The FIA would require that an applicant submit his or her fingerprints to the state police for the check, but only at the time the individual initially applied for authorization for payment as a child day care provider.

The bill would require that the child day care provider give written consent for the state police to conduct these checks at the time of applying for child day care authorization from the department. The bill would also require that the department request criminal history checks on a form and in a manner prescribed by the state police Criminal Records Division.

Followup Checks. Under the bill, the FIA would be required to conduct central registry clearances six months from the date of initial authorization as a day care provider. The FIA would also be required to perform a criminal history check 12 months from the date of initial authorization as a day care provider, and annually after that date.

Criminal History Record. The Criminal Records Division would have 30 days to conduct criminal history checks and to provide the FIA with a report of the results. The report would have to contain any criminal history record information on the person. This information would be used by the FIA only for the purpose of evaluating a person's qualifications as a child day care provider, and only disclosed to a person who was directly involved in evaluating the applicant's qualifications. A violation of this requirement would be considered a misdemeanor, punishable by a fine of up to \$10,000.

Training. The FIA would be required to provide training to department specialists who were assigned to carry out the provisions of the act.

Definitions. Under the bill, a "central registry" case would mean that term as defined under the Child Protection Law (MCL 722.622). A "child day care provider" would include all of the following:

- A department-enrolled day care aide.
- A department-enrolled relative care provider.
- A child day care provider or employee in a registered family day care home; a licensed group day care home; or a licensed day care center.

Under the bill, "criminal history record information" would mean that term as defined under Public Act 289 of 1925, the act regulating the Michigan State Police Bureau of Criminal Identification and Records (MCL 28.241a). "Day care provider," "family day care home," and "group day care home" would mean those terms as defined in Public Act 115 of 1973, the act regulating child care organizations (MCL 722.111). "LEIN" would mean the Law Enforcement Information Network, regulated under the L.E.I.N. Policy Council Act (MCL 28.211 et al.).

Analyst: R. Young

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