



# HOUSE BILL No. 5508

March 14, 2000, Introduced by Reps. Callahan, Bovin, Neumann, Dennis, Basham, Schauer, O'Neil, Woodward, Baird, Jacobs, Switalski, Mans, Wojno, Hansen, Gielegem, Minore, Jamnick, Garza, Sheltroun, Hardman, Reeves, Brewer, Brater, Price, Cherry, Bogardus, Hale, Hanley, Martinez and Lemmons and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding sections 57m and 57n.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 57M. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF  
2 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL  
3 NOT ISSUE A PAYMENT TO A CHILD DAY CARE PROVIDER UNLESS THE  
4 DEPARTMENT HAS PERFORMED A CENTRAL REGISTRY CLEARANCE AND  
5 REQUESTED AND RECEIVED FROM THE CRIMINAL RECORDS DIVISION OF THE  
6 DEPARTMENT OF STATE POLICE A CRIMINAL HISTORY CHECK ON THAT CHILD  
7 DAY CARE PROVIDER.

8        (2) WHEN THE DEPARTMENT RECEIVES A CRIMINAL HISTORY CHECK  
9 FROM THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE  
10 POLICE ON AN ENROLLED CHILD DAY CARE PROVIDER, THE DEPARTMENT  
11 SHALL IMMEDIATELY DELETE THE ENROLLMENT OF THE CHILD DAY CARE

1 PROVIDER IF THAT CHILD DAY CARE PROVIDER IS FOUND TO HAVE 1 OR  
2 MORE OF THE FOLLOWING RECORDS:

3 (A) A CENTRAL REGISTRY CASE.

4 (B) A CONVICTION RECORD ON THE LEIN SYSTEM.

5 (C) A RECORD OF HAVING HIS OR HER CHILD DAY CARE PROVIDER  
6 LICENSE OR REGISTRATION REVOKED ON THE CHILD DAY CARE LICENSING  
7 DATABASE OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

8 (3) A CHILD DAY CARE PROVIDER SHALL GIVE WRITTEN CONSENT FOR  
9 THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE  
10 TO CONDUCT THE CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION  
11 AT THE TIME OF APPLYING FOR CHILD DAY CARE AUTHORIZATION FROM THE  
12 DEPARTMENT.

13 (4) THE DEPARTMENT SHALL MAKE A REQUEST TO THE CRIMINAL  
14 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL  
15 HISTORY CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN A  
16 MANNER PRESCRIBED BY THE CRIMINAL RECORDS DIVISION OF THE DEPART-  
17 MENT OF STATE POLICE.

18 (5) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
19 DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON UNDER THIS  
20 SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE  
21 POLICE SHALL CONDUCT THE CRIMINAL HISTORY CHECK AND, AFTER CON-  
22 DUCTING THE CRIMINAL HISTORY CHECK AND WITHIN THAT TIME PERIOD,  
23 PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HISTORY CHECK TO  
24 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY  
25 RECORD INFORMATION ON THE PERSON MAINTAINED BY THE CRIMINAL  
26 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE.

1 (6) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE  
2 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER  
3 SUBSECTION (5) SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PUR-  
4 POSE OF EVALUATING A PERSON'S QUALIFICATIONS AS A CHILD DAY CARE  
5 PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS  
6 CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE  
7 APPLICANT'S QUALIFICATIONS. A PERSON WHO VIOLATES THIS SUBSEC-  
8 TION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE  
9 THAN \$10,000.00.

10 (7) THE DEPARTMENT SHALL PERFORM A CENTRAL REGISTRY CLEAR-  
11 ANCE 6 MONTHS FROM THE DATE OF INITIAL AUTHORIZATION BY THE  
12 DEPARTMENT AS A CHILD DAY CARE PROVIDER. THE DEPARTMENT SHALL  
13 PERFORM A CRIMINAL HISTORY CHECK 12 MONTHS FROM THE DATE OF INI-  
14 TIAL AUTHORIZATION BY THE DEPARTMENT AS A CHILD CARE PROVIDER AND  
15 ANNUALLY AFTER THE INITIAL AUTHORIZATION.

16 (8) THE DEPARTMENT SHALL PROVIDE TRAINING AT LEAST EVERY 12  
17 MONTHS TO THE FAMILY INDEPENDENCE SPECIALISTS WHO ARE ASSIGNED TO  
18 CARRY OUT THE PROVISIONS OF THIS ACT.

19 (9) AS USED IN THIS SECTION AND SECTION 57N:

20 (A) "CENTRAL REGISTRY CASE" MEANS THAT TERM AS DEFINED IN  
21 SECTION 2 OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

22 (B) "CHILD DAY CARE PROVIDER" INCLUDES ALL OF THE  
23 FOLLOWING:

24 (i) A FAMILY INDEPENDENCE AGENCY ENROLLED DAY CARE AIDE.

25 (ii) A FAMILY INDEPENDENCE AGENCY ENROLLED RELATIVE CARE  
26 PROVIDER.

1           (iii) A CHILD DAY CARE PROVIDER OR EMPLOYEE IN ANY OF THE  
2 FOLLOWING FACILITIES:

3           (A) A REGISTERED FAMILY DAY CARE HOME.

4           (B) A LICENSED GROUP DAY CARE HOME.

5           (C) A LICENSED DAY CARE CENTER.

6           (C) "CRIMINAL HISTORY RECORD INFORMATION" MEANS THAT TERM AS  
7 DEFINED IN SECTION 1A OF 1925 PA 289, MCL 28.241A.

8           (D) "DAY CARE CENTER", "FAMILY DAY CARE HOME", AND "GROUP  
9 DAY CARE HOME" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF 1973  
10 PA 116, MCL 722.111.

11           (E) "LEIN" MEANS THE LAW ENFORCEMENT INFORMATION NETWORK  
12 REGULATED UNDER THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974  
13 PA 163, MCL 28.211 TO 28.216.

14           SEC. 57N. (1) IN ADDITION TO THE CENTRAL REGISTRY CLEARANCE  
15 AND CRIMINAL HISTORY CHECK REQUIRED UNDER SECTION 57M, THE  
16 DEPARTMENT SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO CON-  
17 DUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL BUREAU OF  
18 INVESTIGATION ON A CHILD DAY CARE PROVIDER APPLICANT. THE  
19 DEPARTMENT SHALL REQUIRE THE APPLICANT OR INDIVIDUAL TO SUBMIT  
20 HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE  
21 PURPOSE OF REQUESTING A CRIMINAL RECORDS CHECK. THE DEPARTMENT  
22 SHALL REQUIRE AN INDIVIDUAL TO SUBMIT HIS OR HER FINGERPRINTS FOR  
23 THE PURPOSES OF THIS SECTION ONLY AT THE TIME THE INDIVIDUAL INI-  
24 TIALY APPLIES FOR AUTHORIZATION FOR PAYMENT AS A CHILD DAY CARE  
25 PROVIDER.

26           (2) AN APPLICANT AS DESCRIBED IN SUBSECTION (1) SHALL GIVE  
27 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE CRIMINAL

1 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO CONDUCT THE  
2 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION.

3 (3) THE DEPARTMENT SHALL MAKE A REQUEST TO THE DEPARTMENT OF  
4 STATE POLICE FOR A CRIMINAL RECORDS CHECK UNDER THIS SECTION ON A  
5 FORM AND IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE  
6 POLICE.

7 (4) THE RESULTS OF A CRIMINAL RECORDS CHECK UNDER THIS SEC-  
8 TION SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PURPOSE OF  
9 EVALUATING AN INDIVIDUAL'S QUALIFICATIONS AS A CHILD DAY CARE  
10 PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THOSE RESULTS TO A  
11 PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE INDIVIDUAL'S  
12 QUALIFICATIONS AS A CHILD DAY CARE PROVIDER. A PERSON WHO VIO-  
13 LATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A  
14 FINE OF NOT MORE THAN \$10,000.00.

15 (5) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
16 DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON AN INDIVIDUAL UNDER  
17 THIS SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
18 STATE POLICE SHALL INITIATE THE CRIMINAL RECORDS CHECK. AFTER  
19 CONDUCTING THE CRIMINAL RECORDS CHECK FOR THE DEPARTMENT, THE  
20 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE SHALL  
21 PROVIDE THE RESULTS OF THE CRIMINAL RECORDS CHECK TO THE  
22 DEPARTMENT.